

Software liability

[Technology](#), [Information Technology](#)



Software liability al affiliation: Software liability Introduction The software industry has major problems in regard to the security of computers. The increasing cost in the maintenance of software systems is a major issue regarding software developers. The problems associated with development of software such as high cost and poor quality have become legend. Advocates for software quality have argued that companies need to follow a development framework in software development.. In safeguarding software liability, companies manufacturing computers need to detail people to whom they market their software to. Protection That Should Be Provided For the Software Users In case a software is found be defective or it does not perform accordingly, in order to exercise justice, the seller has to compensate the user. This approach is referred to as faulty-based liability approach. There is also a need to exert a legal claim on software companies to produce more improved products to avoid risks on the side of the user. As suggested by Wright, Freedman and Liu (2008), this implies that there is a need for technological management of risks which ensures that risks of losses from the user are managed properly. Strict liability implies that manufacturers as well as sellers should be held liable by the users if their software cause injuries to them. This liability is applied in cases especially where the defect of the product is obvious. Computer software developers have to be subjected to established standards which ensure compatibility instead of reliability to the user. To ensure protection of the user, software companies should be in a position to place a legal claim on those who breach software security. The software liability laws have to be formulated in way that incase of any software failure leading to user's loss, the developer or

manufacturer should compensate at a given rate. Protection provided for the user

Protection Provided for the Software Users Software liability laws hold that developers are liable for risks caused by the defective software or a dangerous act resulting from the software use. In case of a misinterpretation of negligence which may in future cost the user, software developers pay a legal fee in compensation. This way software companies are encouraged to produce quality software to ensure security of the user. Any software damage resulting from breach of contract is governed by the Uniform Commercial code and general contract law according Raysman, Pisacreta, Adler and Ostrow (1990),. The Uniform Commercial code advocates for merchantability warranty which requires fitness of product for use to avoid risks. The Uniform Computer Information Transaction Act is meant to standardize the licensing regulations for software. This ensures that incase of any damage the software developer cannot escape the claim from the user. Protections provided for the software developer, programmer, testers, managers, board of directors, and the CEO of that company, if their product causes serious injury or death Software developers should have checks and quality assurance departments which ensure that their products are effective before hey are sold. The department should also perform any claim of defectiveness on behalf of the company. In protection of the programmer or developer, companies come up with a license stating that they are not responsible for any damage that may occur during the use of product. Software developers also attach a disclaimer warrant on their products as proof of their liability and protection of the user according to Harris (2002). The software developers are protected from enterprise threatening liability

that may result from a third party attack so that in case of any injury the developer or programmer is secure. There is also the net code protection module that offers security to the software developer to ensure that injury claims are not held on them illegally. Software developers have been provided with patent protection in as far as their work is concerned. The board of directors as well the companies CEO are provided protection by the company insurance according to Kanazawa and Miles (2008). This ensures their security in case of any claims arising from software development and programming. Software managers and testers should also be provided with user profile protection coverage to secure them from software liabilities. The software managers need to have a license in as far as their service delivery is concerned to avoid unlawful claims arising from injury of their clients. Third party software protection is provided by software companies to ensure that in case of injury to a third party, the company board and CEO are not liable according to Altova (2011). Conclusion The dangers associated with laws of software liability never subside even if the developers are offered immunity. Enforcing liability laws is essential and ensures software companies are keen in protecting their data which the customer entrusts them with. Liability also ensures that software companies improve on their products to avoid incidences of damages which cost a lot to the company. References: Altova. (2011) Altova® Authentic® Desktop 2011 User & Reference Manual. Altova: Altova, Inc. Girot, C. (2001). User protection in IT contracts: a comparative study of the protection of the user against defective performance in information technology. Netherlands: Kluwer Law International. Harris, S. (2002). Mike Meyers' CISSP(R) Certification Passport. Canada: McGraw-Hill

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