

Motorola

Commercial, Government and Industrial Solutions Sector (CGISS)



About Motorola

Motorola is a **leading global supplier** of integrated communications and embedded electronic solutions. Motorola's *Intelligence Everywhere™* solutions include: software-enhanced wireless telephone and messaging, two-way radio products and systems, as well as networking and Internet-access products, for consumers, network operators and commercial, government and industrial customers; end-to-end systems for the delivery of interactive digital video, voice and high-speed data solutions for broadband operators; embedded semiconductor solutions for customers in wireless communications, networking and transportation markets; and integrated electronic systems for automotive, telematics, industrial, telecommunications, computing and portable energy systems markets.



**Winner 2002 Malcolm
Baldrige National Quality Award**

About Motorola CGISS

Motorola CGISS is **the leading global supplier** of two-way radio communications including radio communications networks, systems, products and services, and integrated communications and information technology solutions. CGISS customers include: *police, fire, emergency medical and public service organizations; local, state and federal governments; and commercial enterprises*. CGISS has maintained its #1 position through a broad portfolio of radio systems and services that have a global reach, customer intimacy, operational excellence, and technological supremacy. Motorola employees pay close attention to building and establishing trust; embracing quality; keeping products and services customer focused; and developing and maintaining strong relationships with customers, suppliers, and partners.

What is Copyright?

- 1) Copyright is a form of protection provided through federal and international law to authors of "original works of authorship".
- 2) Copyright protection applies to any and all, "original works of authorship".
 - Computer software, including source and object codes
 - Databases (lists of customers, address books...)
 - Technical data sheets and reports
 - User and service manuals
 - Audio and visual works
 - Advertising materials
- 3) Copyright is intended to protect both published & unpublished works.
- 4) Copyright gives **the owner of the copyright the exclusive right** to do & to authorize others to reproduce/distribute copies and prepare derivative works.

What is 'Copyright Infringement?'

'Copyright Infringement', better known as 'Piracy', is the *illegal* using, trading, loaning, copying and/or selling of copyrighted materials developed and owned by another person and/or company without the copyright owner's express permission.

Why was my auction/sale of Motorola firmware and/or two-way radio programming software halted?

Motorola CGISS registers each version of the firmware/software it develops for use with its two-way radio products and systems with the U.S. Copyrights Office. Motorola sees control of the distribution of its copyrighted software as critical to protecting its customer's safety and investment. The illegal use of unlicensed and/or 'warez' copies of Motorola Radio Service Software (RSS), Customer Programming Software (CPS), 'Flashcode', etc. is an infringement of Motorola's legal copyright but, more importantly, the programming software, firmware and/or 'Flashcode' may have become damaged through unauthorized copying, or through actual intent, its use causing serious damage to the radio it's being used to program. Further, an illegally programmed radio could be used to interfere with the proper operation of a customer critical system and/or could be used to 'eavesdrop' on critical communications with criminal intent.

The U.S. Copyrights, Designs & Patents Act 1988 states that the ***unauthorized duplication of software constitutes copyright infringement***, regardless of whether it is done for sale, for free distribution, or for the copier's own use, is illegal. Penalties include liability for damages suffered by the copyright owner up to \$100,000 for each software work infringed. The unauthorized duplication of software is a Federal crime if done "willfully and for purposes of commercial advantage or private financial gain (Title 18 Section 2319(b))." Criminal penalties include fines of as much as \$250,000 and jail terms of up to 5 years.

Why was my auction/sale of a Xerox copy or CDROM-based Motorola two-way radio manual halted?

The U.S. Copyrights, Designs & Patents Act 1988 also states that the ***unauthorized duplication of copyrighted literary material*** including, but not limited to, digitization and distribution of photographs and text from advertising material, catalog sheets, user and/or service manuals constitutes copyright infringement, regardless of whether it is done for sale, for free distribution, or for the copier's own use, is illegal. Penalties include liability for damages suffered by the copyright owner up to \$100,000 for each literary work infringed. The unauthorized duplication of literary works is a Federal crime if done "willfully and for purposes of commercial advantage or private financial gain (Title 18 Section 2319(b))." Criminal penalties include fines of as much as \$250,000 and jail terms of up to 5 years.

Why was my auction/sale of a 'New', 'Used' or 'Parts Built' Motorola two-way radio(s) halted?

1) Selling Motorola manufactured: GM338, GM398, GM339, GM399, GM950, GM3188, GM3688, GP68, GP88, GP320, GP328, GP338, GP329, GP339, GP2000, GP2100, MTX900 (non-US models), MTX960, PRO2150, PRO3150, PRO5150, PRO7150, PRO9150, PRO5350, PRO5450, PRO5550, PRO5750, PRO7350, PRO7450,

PRO7550 or PRO7750 radios within North America infringes on Motorola's Intellectual Property and is against U.S. and Canadian Federal Law. These radios were designed for sale and use within Europe-Middle East-Africa (EMEA), Latin America and Asia Pacific commercial two-way radio marketplaces. These radios are NOT 'Type Accepted' for use within North America, by either the U.S. Federal Communications Commission or Industry Canada and, thus, are not marked so with an FCC or Industry Canada 'Type Acceptance' sticker. Replacing the nameplate of one of these radios with one from a North American radio of 'like kind' does NOT make the re-marked radio 'Type Accepted' for use within North America. Finally, these radios were NOT designed NOR advertised for sale as 'Amateur Radio' units. Neither Motorola's North America sales staff nor its licensed North American radio dealers are allowed to sell these radios within North America for these reasons.

Motorola licensed service shops are NOT authorized to carryout warranty repairs on these radios because they are considered illegally imported 'grey market' radios; illegally imported radios carry NO North American warranty. ***Their sale and use within North America is illegal.***

Motorola is aware that unscrupulous persons are smuggling these 'grey market' Motorola radios into North America and are selling them either 'as is' or as 're-marked' radios to unsuspecting North America purchasers. Motorola is working closely with both U.S. and Canada Customs and Law Enforcement authorities to stop illegal importation and sale. Persons caught selling these illegally imported, 'grey market' Motorola radios within North America may be subject to arrest and, if convicted, penalized with up to 5 years in prison and up to \$250,000 in fines.

Please Note: If you are a non-North America Motorola radio owner who is attempting to sell a non-North America radio, mark your sale clearly with a statement that you will not sell to or ship the radio to a North America buyer.

2) Only Motorola or a Company licensed by Motorola can legally manufacture two-way radio units that incorporate Motorola intellectual property. There are ***no 'individuals'*** licensed by Motorola to 'legally' build and sell Motorola two-way radios, thus, a seller auctioning a "Motorola" two-way radio "built from new Motorola parts", incorporating Motorola copyrighted 'Flashcode' and/or a modified Electronic Serial Number (ESN) is committing an illegal act. Persons caught selling these illegally manufactured "Motorola" two-way radios may be subject to arrest and, if convicted, penalized with up to 5 years in prison and up to \$250,000 in fines.

Also, a "Motorola" two-way radio "built from new Motorola parts" is ***NOT*** 'Type Accepted' for use within North America by the U.S. Federal Communications Commission (FCC) or Industry Canada, nor is it 'Type Accepted' by any other Country's communications certification organization, thus, ***its use by a purchaser is illegal throughout the world.***

Reporting Suspected Piracy or Copyright Infringement

To report suspected software piracy, 'grey' market sales activity, illegal radio manufacturing and/or any other infringement of Motorola intellectual property, please e-mail details and contact information to: ***Manager of Intellectual Property Enforcement, cnadt01@email.mot.com***. All reports will be kept strictly confidential.