

# Dell accused of breaching software copyright

By *srlinuxx*

Created 18/08/2005 - 2:41pm

Submitted by srlinuxx on Thursday 18th of August 2005 02:41:35 PM Filed under [Legal](#) [1]

A US SOFTWARE company has sued Dell for allegedly copying software applications it sells.

The case was filed in a New Jersey court earlier this month by Modern Creative Services (MCS), which makes software programs for firms to use on Internet websites, and called Advizia.

Existing MCS customers include Sony, Samsung, Sharp, Brother, MSI and Yamaha, the firm said.

It alleges that first "Dell picked MCS's Brain" by signing a non disclosure agreement for Advizia to sell notebook computers on its website. As a result, much of MCS' code was passed across to Dell, it's alleged.

MCS made several working demos for Dell between October 10th 2003 and onward, but claims the hardware giant failed to deliver an agreement it needed for the application it created called Notebook Advisor.

But, in February 2005, MCS discovered Dell was using Notebook Advisor on its website and alleges that the hardware giant was "picking MCS's pocket".

It claims the Dell version mimics Advizia's appearance, and functionality, and uses its copyrighted algorithms and other intellectual property, without showing the Advizia logo.

It said that Dell has the 60th most visited website of 56,100,000 sites on the net. MCS wants punitive damages, costs, and injunctions preventing Dell from carrying on using the code.

[Source](#) [2].

[Legal](#)

---

**Source URL:** <http://www.tuxmachines.org/node/2263>

## Links:

[1] <http://www.tuxmachines.org/taxonomy/term/106>

[2] <http://www.theinquirer.net/?article=25502>