

148221 - Does clicking on the “I swear by Almighty Allah” button on some CDs count as an oath? Is it within their rights to prevent the purchaser from doing what he wants with it?

the question

Is the oath on CDs binding according to sharee‘ah?

There is in the market a CD of lesson plans called “Zaad al-Mu‘allim”; in this CD there is the following oath: “I swear by Almighty Allah that I am now using an original copy of Zaad al-Mu‘allim, and that I will never make a copy of it, in whole or in part, except for my own personal use, in my school and for my students, and I will never give it to anyone else.” Then there is a choice between “Yes, I swear” and “Exit”.

The first problem is that this year this lesson plan is no longer available. I have an original CD for the third elementary grade, in which there is some material that I teach and some that I do not teach, but another colleague needs it. Can I give it to him so that he could take this material, or is that contrary to the oath? There are no more CDs in the market because the lesson plan is no longer available.

The second problem is: if I clicked on the “Yes, I swear” button, have I actually sworn an oath and am I obliged to comply with what is written there? I did not utter this oath out loud; rather I clicked on the oath, so did I actually swear an oath thereby or not?

When I tried to contact them, I found that their mobiles were switched off. Am I bound by this oath, and if I go against it – for example – what must I do?

Detailed answer

Firstly:

CDs that contain lesson plans for teachers, with different materials for teaching, are undoubtedly the result of a great deal of effort, as is clear to anyone who examines them, and therefore come under the copyright of the authors, programmers and publishers. It is not permissible for anyone to obtain them without the permission of the authors. This issue comes

under the heading of “the rights of authors and inventors” (copyrights and patents), which is an established right of the author and is protected according to sharee‘ah. Therefore it is haraam to transgress against it by making copies of the CDs and trading in them. But it is permissible for the one who has purchased the original CD to lend it or give it to someone else, because he owns it.

Secondly:

Simply clicking on the oath button does not count as an oath, because it was not uttered out loud and it was not written down.

To sum up: it is permissible for you to give the disc to your colleague so that he can make use of it.

And Allah knows best.