

INFORMATION ABOUT USED SOFTWARE LICENSES

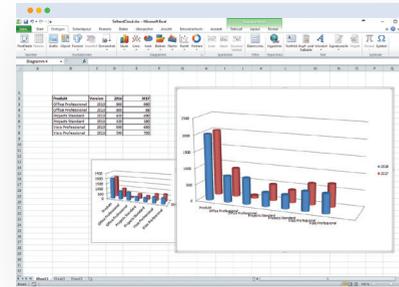
THE ADVANTAGES OF USED SOFTWARE

Used software is up to about 50% cheaper - and that's about the biggest difference when compared to buying new.

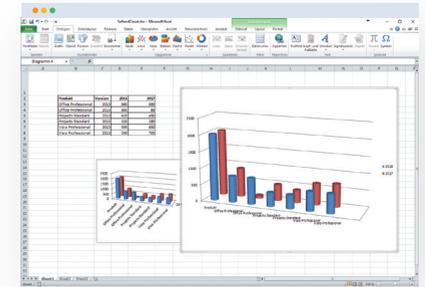
Unlike hardware, software doesn't wear out. This means: You get absolutely new products, even second hand. You don't even get any material goods, but rather usage rights—and ever since a landmark judgment from 2012, they may be legally resold.

The main argument for the use of used software is the price: You get the same quality including updates and downgrade rights, just like from the manufacturer, but you pay much less. You can take substantial pressure off your IT budget and get more out of the resources.

SAVINGS OF UP OVER 50% COMPARED TO „NEW“ LICENCES WHEN USING USED SOFTWARE IS NOT UNCOMMON.



NEW SOFTWARE



USED SOFTWARE



LEGAL, COPYRIGHT

The legal situation is clear: Used software licenses may be resold - regardless of whether they were acquired on physical media or online as a download.

Trading in used software is allowed. So ruled the [German] Federal Supreme Court in December 2014, once and for all, confirming what the European Court had already decided in 2012: The principle of exhaustion of copyright law applies for software. A manufacturer may no longer prohibit further distribution of their product, once it has been put on the market with their consent - no ifs, ands, or buts, as long as certain conditions are met.

In plain language this means: By acquiring a license, the buyer is the legal owner of the copy of the software and may accordingly resell it - including the originally included update and downgrade rights. It is irrelevant whether the software was originally on a disk or was purchased as a download.

If software manufacturers write something different in their license conditions or contracts, these clauses are simply invalid. And copyright? This re-

mains unaffected and still remains solely with the developer. This is understandable and just fine as it is and has little to do with the used software market as well. Because this isn't about copying or „piracy,“ but rather about continuing to make no longer needed products available.

For this reason, the buyer and seller are also subject to certain documentation requirements, such as origin and further use of the software. Because the basic requirement for legal trade is always that the previous owner himself is no longer using the software and so has completely uninstalled it.



AUTHORITIES, TENDERS

Unthinkable as missing from the public budget:
Many administrations are saving precious tax
dollars through used software.

One thing that all institutions of public administration have in common: They have to save, save, save. Funds are scarce and the tax money is valuable. Given the large number of required licenses, offices and municipalities can save no less than 6-figure sums here. And all without compromising on current programs, without any risk, and without loss of quality. And the purchase process is no different than purchasing from the manufacturer.

Many professionals in the authorities have already recognized the advantages of used software. And in 2016 even the Münster District Administration Procurement Chamber ruled: Second-hand software is indistinguishable from the new version. Given the clear legal situation, legal concerns are simply inexplicable, as both the European as well as the Federal Supreme Court have ruled that the trade in used licenses is permissible. If manufacturers claim otherwise, their position is neither legally justified nor tenable. Resulting from this ground-

breaking ruling from the Procurement Chamber: Used software may not be excluded from software procurement procedures. And why should it, when the offer corresponds exactly to the economic requirements of the public sector.



LICENCES FOR ADMINISTRATIVE BODIES AND MUNICIPALITIES

Given the large number of licenses required by administrative bodies and municipalities, 6-figure sums can be easily saved here.

It is often the case that due to some technical applications, even previous versions can be procured, where the savings are even higher.

And of course the Procurement Chambers support the use of tenders for used licenses.

LICENSE PORTAL

License management

As soon as software licenses are successfully installed, license management is often quickly forgotten.

With our License Portal for used Microsoft software licenses, management is easy-peasy! There you will find a complete overview of your used Microsoft licenses (since July 2018).

The advantages at a glance

- Smart filtering function
- Detailed search via the search function
- Request for KMS license key
- Installation files for download (if available)
- Reference field for individual information
- RDS-CAL activation

All of the information relevant to you can be seen at a glance. An smart filter function will quickly take you to your required license.

More information can be found here:

→ macle-shop.de/en/licensing-portal



30%

ALMOST 30% OF ALL IT COST ARE ALLOCATED TO SOFTWARE IN GERMAN COMPANIES.

50%

UP TO ABOUT 50% CHEAPER - THIS IS THE BIGGEST DIFFERENCE COMPARED TO BUYING NEW.

FREQUENTLY ASKED QUESTIONS

You ask, we answer - frequent topics from our customers.



WHERE DOES SOFT & CLOUD GET THEIR LICENSES?

All licenses come exclusively from overcapacity and the second hand market. Classic reasons why licenses are available, for example, include migrations at companies, bankruptcies, or mergers.



Licenses from bankruptcies



License from migrations



Licenses from mergers

→ macle.com/used-software/faq

WHAT HAPPENS IN THE EVENT OF A MANUFACTURER AUDIT WHEN USING USED LICENCES?

During an audit, the manufacturers are concerned with plausibility of the software used, that is, to examine the licensing. The legal situation is clear and the judgments of the European and the Federal Supreme Court cover the manufacturer's own provisions and clauses.

The manufacturers also know this. A reference to the current legal situation should be sufficient to overcome any objections. You can even reject the audit for your used software entirely. The principle of exhaustion applies here too: Sold is sold; the manufacturer no longer has the right to perform a plausibility check on used software.

HOW DOES THE PROPER LICENSE TRANSFER OF USED SOFTWARE WORK?

Safety and transparency are our top priority. Therefore, with us the license transfer is carried out according to clearly defined, IT processes.

MAY VOLUME LICENSE PACKAGES BE SPLIT?

Yes, that is allowed. The Federal Supreme Court recently confirmed it in December 2014: Used Software may also be sold individually even if it was acquired as part of a volume license package, i.e. a bundle of individual licenses. Of course, only as many licenses from can be sold as were originally contained in the package. A miraculous proliferation of licenses by splitting of individual licenses is understandably still prohibited.

ARE USED LICENSES ENTITLED TO UPDATES?

Of course - provided that the software version qualifies for updates. The same rights as the original purchaser generally apply to the second owner of a software license, or in other words: When selling or purchasing used software licenses, the original rights are included; this is true for updates, as well as patches and downgrades.



Specialist dealer: