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## Soft-Aid E-Newsletter for Law Firms

**Helping Assess the Legal Issues of Software Compliance, License Evaluation and Best Usage**

**February 2004**

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In this issue

- "Designing Effective Software Management and Compliance Policies"
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Dear David,

Welcome to the inaugural issue of Soft-Aid's E- Newsletter designed to help law firms assess the legal issues of software license compliance and evaluation.

"Designing Effective Software Management and Compliance Policies"

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This E-Newsletter issue will focus on drafting consistent and effective Zero Tolerance Policies for software licensing infractions at your corporate clients.

**A Zero Tolerance Policy for software licensing infractions should be inclusive of all copyright infractions and one aspect of a larger "Legal Compliance" policy for employees** (that might include provisions for Internal Fraud, Entry Into Legal Commitments, etc). Another more palatable description, less focused on enforcement, is a Software Management and Compliance Policy.

**An effective Zero Tolerance Policy must be in writing and widely disseminated to all corporate employees.** A copy in the employee manual is a must but it should also be distributed via memo on a periodic basis. The document should be signed by a member of senior

management, preferably the CEO, CIO or company's general counsel.

A sample of key introductory words is as follows: "our policy [from this day forward] is one of ZERO TOLERANCE for any use of unlicensed software, any copyright violation or unlawful use of software, and any failure to disclose to designated Company personnel known software licensing improprieties or copyright law violations. Use of unlicensed software copies, personally owned software [see below], and unauthorized bulletin board or shareware software is strictly forbidden."

Other important facets of an effective policy include:

- Consider offering an amnesty program (with no disciplinary actions) for past infractions so long as the violators cooperate and are candid and forthcoming with revealing information about past activities
- Consider setting up a reporting hotline direct to the company's general or outside counsel and assuring confidentiality.

**Ultimately, a Zero Tolerance Policy must reflect the reality of a company's software distribution and procurement policies and frame these issues in operational terms. Your co-workers are going to want to know the affect of these policies on their work schedules; anything that impacts it will be scrutinized.**

**How these policies are communicated is as important as the policies themselves. Clear, consistent, and balanced communications to your client's employees and others who "touch" their computer networks (contractors, suppliers, etc.) will impact their effectiveness.**

Realistic processes must be defined before any policies can be drafted and implemented.

Questions to consider when envisioning these processes include:

- Will installing personal software on "computer hardware that is owned, leased, or otherwise controlled by the company" be allowed?
- How do employees "purchase" software and get it installed on their computers?
- Who is designated as the company's go-to person on licensing questions and one-off approvals?
- What Software Asset Management (SAM) tools will be used and on what periodic basis

**Finally, a Zero Tolerance Policy must spell out the penalties for violations.** For the policy to be credible and last longer than the time it took to write it on paper, consider that greater policy rigidity must be matched by enforcement and IT support resources. Once a company has a Zero Tolerance Policy, senior management can no longer hide behind plausible deniability which makes enforcement that much more necessary.

### **For More Information**



For more information on drafting and implementing Zero Tolerance Policies for Software Licensing or effective software procurement and distribution policies, please contact us at [info@aid.com](mailto:info@aid.com) or via our [on-line form submission tool](#). Our Soft-Aid licensing consultants would be happy to schedule a conference call with you to discuss licensing issues.

Please also take time to review our web site, [www.aid.com](http://www.aid.com)

*Please note: We are independent consultants and not formerly affiliated with any software vendor.*

### **Past and Future Issues**

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Next Soft-Aid E-Newsletter on Legal Issues of Software License Compliance and Evaluation:
Forced Compliance -- Working with the Business Software Alliance (BSA) - Understanding their
Needs and Preparing a Response (Part I)

To read past issues, go to <http://www.aid.com/enewsletters/>

We Welcome Your Input

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**What Our Lawyers Made Us Say**

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