

Press information

Munich, 25th of June 2007

Microsoft is defeated again by usedSoft

The General Department of Public Prosecution of Munich dismissed the complaint lodged by the software monopolist/ the criminal proceedings requested by Microsoft remain dropped for “proved innocence”

Microsoft’s attempt to criminalize the trade with “used” software has failed again. The Munich Chief Department of Public Prosecution dismissed a complaint against the dropping of the criminal proceedings against usedSoft without any restrictions which had been lodged by the software monopolist. In its statement of reasons, the Chief Department of Public Prosecution points out that “no irregularities” have been established with usedSoft. Moreover, usedSoft’s economic system of goods makes sure “that there are not more licences sold than purchased, respectively that only licences which were acquired before will be sold”.

Thus, the reproach repeatedly uttered by Microsoft that the trade with used software by the company usedSoft would be the same as dissemination of pirate copies has now been finally disproven. After such dismissal of Microsoft’s complaint, Microsoft has obviously admitted its defeat as it waived its right to any further appeal. Thus, these criminal proceedings have been finally and absolutely dropped.

In this context, Peter Schneider, Managing Director of usedSoft states: “Microsoft’s announcement to take criminal proceedings against any buyers of used software turned out to be nothing but attempts of intimidation. The resale and purchase of already used software is absolutely legal. The purchasers of used software are on the safe side and they have nothing to be afraid of.”

Last year Microsoft filed a demand for prosecution against usedSoft with the argument that the European software trader would produce pirate copies. Last October, these proceedings were dropped “because of proved innocence”. Among other findings, the Department of Public Prosecution had stated the following:

- “The distribution rights in the software licences traded by the company usedSoft GmbH which were granted by the company Microsoft to its first-customers on the basis of a volume licence contract, have expired due to exhaustion after they were placed on the market for the first time (...)”
- “The trade with used software licences is therefore effective without the consent of the company Microsoft.”
- “The exploitation interest regarding the software does not differ, no matter whether there was any physical or non-physical transfer of any rights of use within the performance of the corresponding volume licence contract.

About usedSoft

usedSoft was set up in 2003, and it is a leading European supplier of used software originating from all application fields. Buyers of usedSoft licences are companies as well as software dealers. Customers of usedSoft are, among others, companies such as Edeka, KarstadtQuelle, Neckermann, Rewe, the Law Office Holme Roberts & Owen, as well as a leading soccer club belonging to the German Soccer League and a number of different Savings Banks. German authorities are more and more using used software as well: Next to the Bavarian State Capital of Munich, the German Federal Social Court in Kassel, the Municipal Administration of Bad Salzuflen and the Data Central Office of Baden-Württemberg, there were more than 100 additional local authorities benefiting from usedSoft licences. The cost-saving benefit when buying used licenses ranges between 20 and 50 percent.

www.usedsoft.com

For further inquiry, please contact:

Christoph Möller, möller pr, phone: +49 (0) 221 80 10 87-87, E-mail: cm@moeller-pr.de, www.moeller-pr.de