

## Press Info

### **Guaranteed free from wear: “used” software**

**The Munich software dealer usedSoft sells “used” licences for a price lower than up to fifty percent of the new price. In this way, companies and authorities may benefit from considerable cost savings.**

Contrary to almost any other products software does not wear out by use. A “used” licence has the same value for the buyer like a new one – the only difference is that the buyer get it from usedSoft at much more favourable conditions. “The concept of “used software” has aroused our curiosity at once”, states Werner Stang, Head of Woolworth’s IT-Department.” “And when we then addressed usedSoft on the occasion of our subsequent software purchase, we actually did benefit from savings of more than 40 percent.” Next to Woolworth, there are numerous other German and internationally operating companies and organizations which benefit from the price advantages in connection with “used software”, such as for example Rewe, Douglas, Neckermann, Veltins, Woolworth, or the Bavarian State Capital of Munich.

On the second-hand market there is not only a great number of most updated versions, but also of older programs available. As it is shown by the current example of Windows Vista, something new is not automatically to be considered something better. The most updated version of a software does not only require a certain period of adjustment, but also requires a higher standard of hardware equipment. It is also possible that the remaining software is not compatible with the new product. A proved and tested, but also familiar version may represent a real alternative. Due to the fact that they are often no longer offered by the corresponding developer, “used” licences are the only solution.

However, “used” does not automatically mean that older programs are inevitably concerned. usedSoft also offers the possibility to save considerable costs when buying most updated versions. The Munich company procures its licences from numerous sources. They may originate from insolvencies or business closures, from reorganization measures or system changes: ending up in an excess of licences which often includes most updated licences. In this way, there is a great number of updated versions available for selling.

“Despite the fact that we were in need of licences of a most updated software, usedSoft succeeded in providing us with the required number of used licence rights in a short period”, emphasizes Stefan Ganzmann who is working for the Airport Munich Logistics and Services GmbH. “When comparing all the other offers made to us, it became clear to us very quickly that we could save costs by opting for used licences instead of new software licences.” By the way, companies can purchase used licences from usedSoft from 2,000 Euro onwards.

### **Security based on notarial certificate**

Another aspect next to such savings is that usedSoft ensures legal security towards its customers when buying “used” software licences. Already seven years ago, the German Federal Supreme Court (BGH) ruled that the so-called exhaustion rule under copyright law shall also apply to software. That means that the developer’s right of distribution expires the very moment he has sold the software for the very first time. Thus, the trade and resale of software licence rights is generally admissible. This decision was recently confirmed by the Regional Court of Hamburg. The judges stated in their judgment not only that the trade with used software licences is generally lawful, but also explicitly emphasized that the splitting-up

of Microsoft volume licences is in conformity with prevailing law. Therefore, it is also possible to resell used parts originating from volume contracts. According to the judgment rendered by the Regional Court of Hamburg, stipulations to the contrary contained in the Microsoft licence contracts are ineffective. This judgment was confirmed by the Higher Regional Court of Appeals of Hamburg on February 7, 2007.

The purchase of “used” software licences does not only represent a cost-saving, but, most of all, a legally secure alternative to an initial purchase”, emphasizes Henry Taubald, Managing Director of the KarstadtQuelle Konzern-Einkauf GmbH. “Our legal department has checked the purchase and considered it to be sound.” In order to ensure legal security when software licence rights are transferred, usedSoft offers as only German supplier of used software an additional notarial certificate to its customers. Before doing so, the original seller submits a declaration that he used to be the lawful holder of the transferred licences, and that he deleted all copies of the sold licences, and that he will not make use of them in the future anymore. In this way, it is secured that the chain of licence transfers can be traced back from the developer respectively from the authorized limited line-retailer without any gaps. Moreover, it proves that the buyer is the only user of the licences – which is an indispensable factor under copyright law aspects.

### **Unused licences “converted into cash”: make values out of costs**

Next to the buyers of “used” software, the sellers may also benefit from usedSoft’s business model. Many companies have realized only recently that they have “unexpected silverware” stored on their pcs. Software which had been purchased in the past for expensive prices suddenly becomes redundant and “gets dusty” due to structural changes. It is advisable to make a software-use analysis in order to determine up to which extent licences which were purchased in the past are actually used, and to determine up to which extent a cost-lowering optimisation would be possible.

By selling licences which have become redundant, companies may convert tied capital into liquid means. After all, nobody would have in mind to immediately bring his old car to the scrap yard, after having bought a new car. Why should it be different with software licences which value often exceeds the value of a car by far ?

### **Information about usedSoft**

usedSoft was set up in 2003, and it is the leading European supplier of “used” software originating from all application fields. The buyers of “used” software consist of both companies and software dealers. Among others, customers of the usedSoft group are Dekra, Edeka, KarstadtQuelle, Neckermann, Rewe, Veltins and Woolworth, as well as a number of different authorities, such as the Bavarian State Capital of Munich, or the Municipal Administration of Bad Salzflen, and the Data Central Office of Baden-Württemberg, as well as numerous Savings Banks. The cost-saving benefit when buying used licenses ranges between 20 and 50 percent.

[www.usedsoft.com](http://www.usedsoft.com)

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