

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 gets it from usedSoft at much more favourable conditions.

This savings potential has also convinced the trade giant Edeka: "It is neither reasonable nor absolutely necessary to always buy the most updated software, if you have so many working places like we have", explains Ralf Klement of Edeka Handelsgesellschaft Rhein-Ruhr mbH. "Compared with the original price of the licences we could save costs of approximately 66 per cent." Next to Edeka, 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, KarstadtQuelle, a leading soccer club belonging to the German Soccer League as well as the Bavarian State Capital of Munich and the German Federal Social Court in Kassel.

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 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. "After having carefully checked the legal situation, we did not have any legal concerns any more", emphasized Christian Ude, Mayor of the Bavarian State Capital of Munich. "We are convinced that the trade with used software is entirely legitimate. Microsoft submitted a written confirmation that everything would be fine under licensing law." The background situation: Already nine 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.

Based on this decision, the Regional Court of Munich decided recently that this would also apply, if only parts of Microsoft volume licences are individually resold. In April 2008, the court decided "that the sale respectively the disposal of individual Microsoft software licences which had been sold within the scope of volume licence contracts would be generally possible in an effective way even without Microsoft's consent." In June 2006, the Regional Court of Hamburg had rendered a decision of the same tenor. Moreover, the Hamburg judges ruled that provisions to the contrary provided in the Microsoft licence contracts would be ineffective. On February 2007, this judgment was confirmed by the Higher Regional Court of Hamburg.

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. "As a law firm we are more than familiar with all subjects in connection with copyright law and the exhaustion rule, of course: And we know that usedSoft is a more than reliable and trustworthy partner for us", explains Jens Röhrborn, Managing Partner of Holme Roberts & Owen LLP.

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?

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, Kaufland, 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 purchasing already used licences ranges between 20 and 50 percent of the sales price. usedSoft has more than 2.000 customers in about 20 European countries.

www.usedsoft.com

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