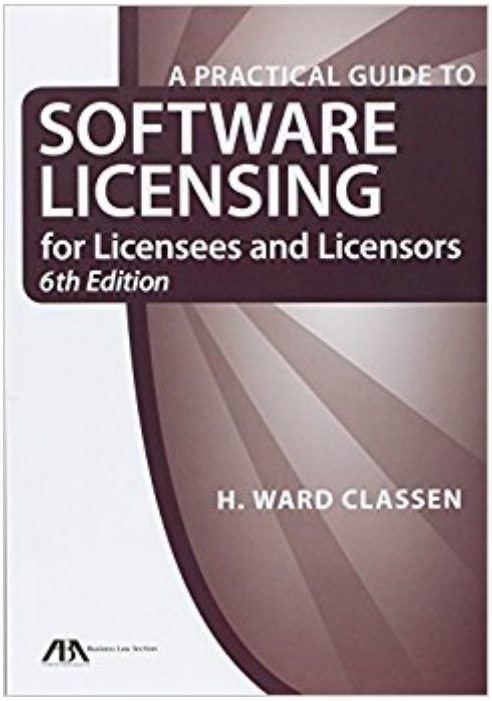
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A Practical Guide To Software Licensing For Licensees And Licensors



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Synopsis

With intellectual property rights assuming greater importance in today's world and licensing issues and developments constantly evolving, this book is an essential resource for lawyers who need to understand software licensing. The sixth edition examines the fundamental issues that both licensors and licensees confront in the negotiation of a software license and, where appropriate, looks at relevant ancillary issues such as software development, cloud computing, professional services, and maintenance and support. It primarily focuses on non-mass market agreements, since most Ã¢â ¬Å“retailÃ¢â ¬Â• or mass market Ã¢â ¬Å“off-the-shelfÃ¢â ¬Â• software is governed by non-negotiable Ã¢â ¬Å“shrink-wrap,Ã¢â ¬Â• Ã¢â ¬Å“browse-wrap,Ã¢â ¬Â• and Ã¢â ¬Å“click-wrapÃ¢â ¬Â• licenses. Nonetheless, the principles of software licensing are the same for shrink-wrap, browse-wrap, click-wrap, and custom-developed software. Written in practical, easy-to-understand language, this book is cross-referenced to a model agreement. It is written from the perspective of both the licensor and the licensee and includes model forms with alternative clauses to fit many perspectives. New to this edition, an online website will accompany the book that includes customizable and easy-to-use forms and agreements. The sixth edition includes new chapters on:Types of Licenses (New Chapter)Software Development Agreements (New Chapter)Software Development Kits and Application Program Interfaces (New Chapter)16 New FormsAccompanying Online Website with Model Forms and Agreements

Book Information

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Customer Reviews

H. Ward Classen is Deputy General Counsel of Computer Sciences Corporation in Windsor Mill, MD with responsibility for CSC's North American business solutions, world sourcing, healthcare, and financial services business units.

This book is a must-have as far as I'm concerned: for safe-software licensing and IP protection. For me at least the attempt to protect IP and the commercial interests embedded therein has gotten considerably more complex as we do more services business with life science companies. This is because both parties are trying to protect their own interests in a subtle, complex and fast-changing world. It is surprisingly difficult to draw a line between what's yours and what's reasonably or rightfully your clients'. It is also surprisingly easy for sales people to give away important rights without noticing it - to do a "deal" without completely specifying what exactly their client is getting for her money.I truly wish more sales people would use this book and pay attention to the irreversible fact that selling complex software to large clients is no longer a simple matter of negotiating price and quantity or use - much of the value is hidden in the SLA which is frequently negotiated after the sales person has "closed the deal". Take note everyone.Section on Alternative Delivery Methods e.g. hosted, SaaS, cloud etc, is informative in this fast-changing world of software and software licensing. This edition has a new chapter on Open Source software which I'm looking forward to delving into. Example forms come on the CD with the book and provide a handy starting point and useful for clipping clauses and wording. The updated Terminology section is more useful now. Classen has added Maintenance & Support section. Updated the Negotiation/Contracting chapter and this (and throughout book) contrasts and details interests of both Licensee and Licensor with alternate clauses and explanations - this allows BATNA and other negotiating processes to be planned better and proceed more smoothly. I get fewer procurement surprises as a software vendor, except how poorly informed procurers (contracts, legal, users & managers) in general are about software, it's use in their organizations, the mutual value of protection etc. .This edition has numerous edits which sum to making it considerably better. Refers throughout to case law.

I'm an in-house attorney and use this for the forms and templates as well as to keep up to date with the latest in licensing law. Included CD of forms is excellent. Only con is that it seems to be more licensee-focused than licensor, and some of the templates are only available in the licensee-favorable version when it would be helpful to see both sides. Overall great value, have purchased subsequent editions based on the first version of this and always been quite happy.

The product description doesn't mention that this edition includes model forms on CD which is just one more reason this book is an exceptional value and resource.

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