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**Soft-Aid E-Newsletter for Law Firms**

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

**March 2004**  
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Dear David,

Welcome to the second issue of Soft-Aid's E- Newsletter designed to help law firms assess the 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)"
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This E-Newsletter issue will focus on preparing a response to a BSA-forced compliance audit. I hope to assuage you or your client's concerns.

In a forced compliance situation, your company typically **receives a demand letter from a law firm** representing the Business Software Alliance (BSA), a trade group that acts on behalf of a select group of software manufacturers (listed at [www.bsa.org](http://www.bsa.org)). The letter will affirm their belief that your client is out of compliance. They will then direct your client to conduct a self-audit for their member software as of the notification date. As the letter states, your client's employees should not uninstall any BSA-member software at that time.

If your client wonders how it became a target of the BSA, they are not alone; typically, someone familiar to their company exposed them.

**Your client should read the BSA's demand letter very closely.** They should read it again with you, their lawyers! While the BSA does make standard informational demands, there may also be non- orthodox requests based on the information that led them to contact your client. Also, the BSA does not employ the same law firm for compliance matters which can also explain differences.

**Early in the process, you and your client should set up a call with the law firm's designated contact to review their demands and acknowledge your client's firm intent to comply with their requests by a suitable date.** The purpose of this is also to set up some rapport with the "other side." Developing the strategies and tactics to address this process and a project plan is where Soft-Aid's services are most helpful; this will be more fully addressed in future E- Newsletters.

**Now starts the fun part.**

**The BSA will ask for your client to conduct a self-audit for vendor software that they delineate.** This list will typically consist of software developed by most if not all of the BSA's Worldwide members (see [www.bsa.org](http://www.bsa.org)). They are ultimately looking for a reconciliation of BSA member software ownership records to software usage. In the documents presented to their law firm, the BSA will look for details on how the audit was conducted, including what inventorying and metering tools were used if any. Using an outside firm like Soft-Aid's lends additional credibility to the process.

**This forced compliance process requires your legal input and involvement.** Business lawyers will serve as the main go-between to the BSA; Soft- Aid, typically operating under attorney-client privilege, will assist your law firm with gathering and negotiating with the BSA. Hopefully, Soft-Aid's services of gathering the required data, making sense of it, and then putting it into a presentable format for the BSA will be of value to you and your client.

**For More Information**



For more information on preparing an initial response to a BSA inquiry, 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**



Next Soft-Aid E-Newsletter on Legal Issues of Software License Compliance and Evaluation: Forced Compliance -- Communicating with the BSA - Presentations, Negotiations, and Other Dealings (Part II)

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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