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## Soft-Aid E-Newsletter for Law Firms

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

**May/June 2004**

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Dear David,

Welcome to the fourth issue of Soft-Aid's E- Newsletter designed to help law firms assess the legal issues of software license compliance and evaluation.

Scoping an IP Audit for Software Assets

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#### INTRODUCTION

In this issue, we will examine what drives a company to conduct an IP Audit. We will also discuss the types of IP Audits as well as their project scope.

#### MORE

Internal-use software can easily form a large portion of a company's intellectual property. This is frequently overlooked because out-of-the-box software is not reflected on balance-sheet financial statements. Also, because desktop productivity apps are frequently purchased in increments and are viewed as a necessity, they tend to stay below management's inspection radar.

But this view is myopic. The Gartner research group indicates that IT investments will rise to 50%

of total company investments by 2010. Spending heavily on software for internal use does not eliminate the risk of being out of compliance. An IP Audit can help address these issues by creating an intelligent management system.

While many businesses have sophisticated processes and systems in place to identify, protect, and manage IP assets, many do not. Even companies that are aware of their IP Assets need to periodically review their education and enforcement systems.

An IP software audit can be initiated by external or internal pressures. The external ones are typically driven by an acquisition or pending lawsuit (from the BSA), which we call an "acquisition or required audit." IP Audits can also be started by an internal corporate desire to ensure that IP assets and processes are in good condition, what we call an "improvement audit."

The two audit types differ in the breadth of discovery and extent of remedies. Acquisition audits, by their very nature, have a specific purpose and timeframe for completion. An "acquisition audit" focuses more on exploration and less on remediation. It is typically driven by valuation or exposure concerns. Developing systems to monitor and track software assets or instituting a software asset management plan is not a primary concern with an "acquisition audit."

Otherwise, both types of IP audits include the following tasks:

- Identifying what software is being used and what the company owns for valuation or return on investment (ROI) purposes
- Identifying the company's business needs as it relates to software usage
- Determining where gaps in protection or license coverage lie

Senior management and possibly the Board of Directors is involved with both types of audits. Ultimately, these two groups need comfort with the results or ensuing systems implementations.

**For More Information**



For more information on preparing and implementing an IP Audit for technology assets, 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:  
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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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