

susensoftware » background » dos when trading with pre-owned software

Trading in pre-owned software is actually not too difficult. The problem is that a few large software manufacturers control the market and distribute a confusing number of products in various versions and with diverse license models.

For some license models, like the so-called download software, the legal situation is still insecure. We do not offer these products. Susensoftware only does business in accordance with the applicable law. We cannot afford not to do so.

At this point, we provide a rough overview on the product categories of [SAP](#) and [Microsoft](#). Here is the information on the individual products:

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- [Information on Microsoft products:](#)
 - [Retail product](#)
 - [OEM software](#)
 - [Microsoft Open License](#)
 - [Information on the part of Microsoft](#)



Information on the part of SAP

The granting of licenses is administered centrally by SAP Germany. The transfer of licenses to a new owner is possible with the participation of a system house and SAP Germany. Susensoftware is able to initiate and accompany these transfers, because we know the respective processes at the licensor and the system houses from experience.

SAP has confirmed us in writing what, from the view of SAP, must be considered when transferring licenses.

Further questions?

- Phone:
+49 (0)
241 963
1700
- [info@susensoftware](mailto:info@susensoftware.com)
- [Online contact form](#)

Microsoft products

In the following, let us explain in detail which products are tradable. In order to guarantee a trouble-free transaction, please take special care that the products with their components are complete. If even one component is missing, it can **not** be resold according to trademark law. The license remains valid for the current user.

Retail Product

Products of this kind are mainly acquired in specialised trade. The following components characterise a retail product: Outer package with CoA, CD with product key, end-user license contract, manual.



These Full Packaged Products - FPP - are software units combining data medium, documentation and license in one package (software box). This software may, as far as you do not exercise your right to make a second copy, only be installed on one computer. Always check the completeness of the product when acquiring a retail package. Further information by [Microsoft](#).

Components:



1.

Outer Package with Certificate of Authenticity (CoA) The certificate of authenticity contains the „proof of license“. It is, however, not the license itself, but merely a part of it. The certificate of authenticity label must be enclosed with the respective products and cannot be purchased separately.



2.

CD with Product Key The product key label with the registration number serves as another proof of the legal purchase of the software. Like the CoA, the product key cannot be acquired separately and adheres to the CD-case as a further component of the product.



3.

End-user License Agreement The end-user license agreement („EULA“) is the standardised agreement between the licensor Microsoft and the licensee about the usage of the software. The client has to agree with these General Terms and Conditions.



4.

Manual The user manual describes the usage of the programs and is intended to help with the application of the software.

These components guarantee the completeness of the product. The complete box also contains further documents, like the Microsoft subsidiary information, the Microsoft fax order sheet, information about warranty restrictions, and online updates.

OEM (Original Equipment Manufacturer)-Software

This is a reduced form of the retail version. The OEM license is sold together with a computer. The following components characterise the OEM version: CD, manual, and certificate of authenticity with product key.

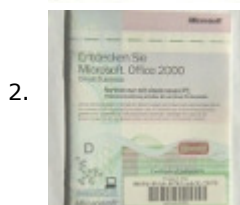
The OEM version is a license purchased together with a new computer. The original OEM software contains a certificate of authenticity, a CD, and a manual. The OEM certificate of authenticity is different from the orange product key of the retail version. The original OEM software cannot be downloaded and can only be installed or uninstalled by the OEM from which the computer was purchased. Further OEM product information from the original manufacturer Microsoft can be found [here on the website of Microsoft](#).



Components:



CD The CD contains the computer program. Some, but not all OEM versions also have the manual on this CD. In this case, the certificate of authenticity with the product key is on the CD-cover.



Manual With the OEM software, the user receives a thin user manual as an application help for working with the program. On the manual is also the certificate of authenticity with the product key. The manual may also be on the CD.



Certificate of Authenticity with Product Key The product key with the registration number is integrated in the certificate of authenticity. Both the product key with the registration number and the certificate of authenticity serve as a proof of the legal acquisition of the software. The product key – like the certificate of authenticity – cannot be purchased separately. Product key and certificate of authenticity are either on the enclosed manual or on the CD-cover.

Microsoft Open License

The Open License is suitable for companies needing 5 and more licenses. The license program, oriented to larger amounts, is especially interesting for smaller and medium-sized companies requiring several copies of software. An open license agreement is concluded directly between Microsoft and the end-user for a 2-year-term. You receive a license agreement printed on a special safety paper which shows that you use original Microsoft software. The end-user data are given when ordering. Even after expiration of the open license agreement, the user right remains. Open license agreements only allow the uniform transfer of all licenses and software assurances.

Find more information [here on the website of the manufacturer Microsoft](#) about the features of the open license.

Components:

1. Package

The open license is delivered in an envelope. Licensor and licensee can be identified at first sight through a viewing window.

2. The Open License Sheet with CoA

The Microsoft open license is provided on a special paper with holographic safety stripes and a water mark with the Microsoft logo showing that you have acquired original Microsoft software. Top right on the paper is intergraded the CoA.

3. The Open License Contract

The term of the license agreement is 2 years. Even after the expiration of the open license agreement, the right of use of your open licenses remains.



Package



Open License Sheet



Certificate of Authenticity

Open License
Contract

End-user license agreement (EULA)

Every transfer of license, be it by purchase, donation or gift, must include the total product documentation, all product manuals, original data media and licenses. The EULA possibly includes further transfer conditions. The natural or legal person transferring the software and license(s) this way should be aware that he or she assigns all rights to the software, including the right of obtaining updated versions of the software."

Microsoft recommends for **retail products**:

"... to carefully store package, included in the delivery components, copy of the invoice, and the EULA. Data media, EULA, copy of invoice, and package serve as a proof that you have acquired a licensed product." When reselling the software, these components should be passed on completely with all versions of the program. If the software is an upgrade, all prior versions of the software, to which the update refers, must be passed on.

Test versions and other software not for sale can neither be sold, nor conveyed.

If the copy of a software is licensed as a part of a studio, the software may only be conveyed within the scope and as a part of the total studio package and not separately.

For **OEM software** the recommendation by Microsoft is as follows:

The end-user should explicitly be told to keep the **certificate of authenticity** of all Microsoft products in good condition. For one thing, the certificate of authenticity is part of an original Microsoft product; for another thing, the end-user needs the unique product key on the CoA label for a possible new installation of the computer.

Other products, like the **Microsoft open license**, only include a volume license key as well as an electronically available license document. For the transfer of Microsoft OPEN licenses, the following regulations apply: „The transfer must be reported to Microsoft within 30 days starting from the date of transfer. The transfer must include all licenses given in connection with the original order, and all subsequently placed orders under this authorization number, as well as the right of replenishment order associated with it. You can only transfer an update license for a system software product in the course of the purchase or transfer of the computer system on which the product was initially installed. You are not entitled to transfer the licenses at short notice by granting a sublicense or in any other way. A transfer violating these regulations or restrictions is invalid.

System Builder Products: OSB and NON-OSB

A system builder (SB) is a specialist trader selling pre-configured PC with pre-installed software to his customers. System builder product versions (OSB and NON-OSB) are special software products sold by authorised distribution partners and the specialised trade among others to system builders. The system builder product versions offer additional pre-installation kits as well as help for the pre-installation. Technical support by Microsoft, however, contrary to the usual retail products, is not free of charge and is, if the product was pre-installed on the purchased PC, provided by the system builder himself.

There are two product options for the German-speaking system builder versions of the products Office and

Windows Server.

OSB

If you pre-install Microsoft Office- or Windows Server products, you can acquire the OEM for system builder software from a Microsoft OEM distributor. The following components characterize the OSB version:

NON-OSB

The Microsoft system builder license is ideal for companies that want to acquire non-pre-installed licenses in a small amount. This version is available in specialist trade and can be acquired from every Microsoft partner.

Microsoft Select License

The Microsoft select license is suitable for companies with more than ca. 205 computers with a minimum number of points. Orders are placed on a monthly basis. Price reductions depend on the estimated license demand for three years. The Microsoft select license is distributed via authorised large account resellers (LAR).

Microsoft Enterprise Agreement

The Microsoft enterprise agreement is perfect for companies with more than 250 computers wanting to acquire Microsoft licenses by hire-purchase. The costs are allocated to 3 years, and price reductions are granted depending on the number of computers. The Microsoft enterprise agreement is distributed by authorized enterprise software advisors (ESA).

Microsoft Enterprise Agreement Subscription

This license version applies to companies working with at least 250 computers and wanting to rent licenses from Microsoft. The costs are allocated to 3 years, and price reductions are granted depending on the number of computers. This license version is distributed by authorised enterprise software advisors (ESA).

Microsoft Open Value

The open value was created for companies needing more than 5 licenses per year and wanting to acquire them on the basis of a hire-purchase. This license version can be purchased from every Microsoft partner. Further versions of the open value are Microsoft open value company-wide (hire-purchase) and open value subscription (rent).

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+49 (0)
241 963
1700
- [info@susensoftware](mailto:info@susensoftware.com)
- [Online contact form](#)

information on the part of Microsoft

"If you are seeking permission to donate or transfer software products, software licenses, or hardware loaded

with Microsoft software to another party, you may do so without obtaining written permission provided you follow the terms and conditions of your End User License Agreement (EULA)."

Please give the complete documents to your authorised Microsoft partner; he will pass them on to the distribution. After having received the documents, Microsoft Ireland Operation Limited will process the license transfer within (often) 3 days: alterations can be recalled under eOPEN <https://eopen.microsoft.com>. When sending in the printed OPEN license certificates of the seller, the purchaser will receive new, printed license confirmations, provided the physical OPEN license confirmations were issued by September 30, 2001. Since the implementation of the electronic license confirmation on October 1, 2001, the following regulation applies: Same process as described above, with the following exceptions:

- Only the sending in of an original letter from the selling customer, specifying all necessary information (s. a.), is necessary.
- The customer may fill in and enclose the form "notification for the transfer of the OPEN license". The transfer in this case is exclusively confirmed via eOPEN.