

Get the Support You Need

By Brian Kirkpatrick

When licensing software, there may be an opportunity to buy support services as well. Support can be defined very differently among agreements. Support may even be defined in several ways in the same agreement because the support may be offered in tiers, or levels (e.g. Platinum Level Support). So, it is important to know what the business needs and the associated costs. Here are some issues to consider when thinking about how support should be defined in the software agreement:

Who is entitled to support?

Is it only a few designated people in the company that filter requests?

Can any user request support?

Are contractors covered?

What is included with support?

Is support only for technical support?

What about features and functionality (e.g. training for new versions)?

What versions are covered?

When is the support offered?

Is support limited business hours?

What time zones are offered?

Is support offered 24/7/365?

Where is support offered?

Is support offered only in the United States?

What other countries are included?

Are non-US countries primary or only used at off-peak hours?

How is support offered?

By phone? Is the number toll-free?

Via e-mail?

A proprietary interface?

Support agreements can be as short as a one-sentence clause or a lengthy exhibit. Either way, it is important to seek out the terms of support and determine whether the offered support is appropriate and sufficient for the business. Inappropriate support terms can lead to a negative customer experience, miscommunication, monetary loss, and time waste by all parties to the agreement. It can be helpful to seek the advice of an attorney familiar with the industry standards for IT support in software agreements to ensure that support is address in a manner that meets the needs of the business.



About the author Brian Kirkpatrick:

Brian practices exclusively in intellectual property and technology law. He has drafted and negotiated hundreds of software contracts with a wide breadth of complexity including large-scale master services agreements (MSA's), software as a service (SaaS) agreements, and End-User License Agreements (EULA's). Before entering the legal profession, Brian was a licensed securities representative and Vice President level middle-market commercial banker.

Get in touch: bkirkpatrick@scottandscottllp.com | 800.596.6176