

## How to Avoid Compliance Gaps with Autodesk Downgrade Rights

By Keli Johnson Swan

Autodesk, like many other software publishers, are now offering subscription based licenses instead of perpetual licenses. Customers tend to find the flexibility of subscription-based licensing appealing because those licenses allow for growth and changing work environments.

However, the license terms have specific conditions and requirements for installation and use of the software, specifically related to the rights to use older versions. The following are a few helpful suggestions to ensure that the software remains properly licensed and in compliance with the Previous Version Rights pursuant to the subscription license agreement.

1. **Downgrades are limited to specific versions.**

There are two ways to qualify for downgrade rights – a subscription license or purchasing Autodesk maintenance. Since Autodesk is gradually moving toward a subscription-only model for many of its products and phasing out maintenance, it is important to understand subscription licensing requirements in order to avoid any potential copyright infringement claims relating to noncompliance.

Autodesk provides a specific list of the prior versions eligible for downgrade rights, [which may be found here](#). If a customer chooses to install a prior version and does not have maintenance or a perpetual license for the older version, the version installed must be on the list issued by Autodesk.

2. **Specific serial numbers are required to install prior versions.**

Once a customer identifies that a prior version is eligible for installation, it must obtain through its Autodesk account a previous version serial number. This is important because if a customer is faced with an audit, it must have the correct serial number for the prior version or risk incurring a penalty for noncompliance.

3. **Maintain an accurate inventory of the serial numbers and versions installed to avoid noncompliance issues during an audit.**

Routine self-audits should be administered periodically to uninstall any prior versions for which a customer no longer has a license. These installations should be identified and checked against Autodesk's current list of eligible software for downgrades. Additionally, it is important for the customer to ensure that it obtains the proper serial numbers for each previous version of Autodesk products installed.

Even if a customer owns a license and has the right to downgrade the software, without the proper serial number, Autodesk may seek monetary damages and claim copyright infringement violations. Customers should familiarize themselves with Autodesk's most recent license requirements in order to avoid any potential copyright infringement claims.



**About the author Keli Johnson Swan:**

As an associate attorney at Scott & Scott, LLP, Keli is primarily focused on software licensing and copyright infringement matters. She advises clients in a variety of industries to ensure compliance with software licenses and develop strategies for maximizing the value of software licenses.

Get in touch: [kjohnson@scottandscottllp.com](mailto:kjohnson@scottandscottllp.com) | 800.596.6176

[Click here](#) for a complimentary subscription to Scott & Scott, LLP's *Technology Law Update* newsletter.