Campaign for Clear Licensing Turns its Sights to IBM and SAP
By Christopher Barnett

Having shone its spotlight on Oracle's notoriously complex licensing policies and often adversarial audit practices, the Campaign for Clear Licensing (CCL), a UK-based organization advocating reforms to software-licensing practices, now has shifted its attention to what it believes to be the silver and bronze medalists among enterprise software licensing's worst offenders: IBM and SAP.

CCL now is soliciting comments and feedback from licensing and procurement professionals regarding their experiences dealing with both companies.

Those interested in giving their perspective on IBM can access a submission form here:
https://itamreview.wufoo.com/forms/ibm-licensing-feedback/
The SAP form is available here:
https://itamreview.wufoo.com/forms/sap-licensing-feedback/

CCL also is hosting a confidential roundtable discussion in London on February 2, 2015 to kick off its research regarding those publishers.

Were Scott & Scott's clients to respond to CCL's request for comments, I have little doubt that the feedback would be largely negative. IBM in particular can be an extremely difficult software publisher to work with. It has a history of acquiring smaller publishers and then imposing new and unexpected licensing requirements on those publishers' customers. Those new requirements typically accompany the release of post-acquisition, "blue-washed" versions of software products that those customers may have licensed for years from the predecessor publishers. In addition, as a result of that active M&A practice, IBM's products are licensed under myriad different license metrics that are easy to confuse. Worse still, IBM can be quite aggressive during audits and, absent evidence of a products deployment date, it typically insists on two years of retroactive support in addition to any licenses required to address compliance gaps.

It is possible that publicity arising from CCL's reports may end up having little effect on its targets' licensing and audit practices. However, I still encourage anyone with negative IBM or SAP experiences to provide their feedback. The more that these issues are discussed openly within the marketplace, the greater will be the opportunity for one among the competition to implement truly equitable licensing practices in order to differentiate its products and services.

About the author Christopher Barnett:

Christopher represents clients in a variety of business, intellectual property and IT-related contexts, with matters involving trademark registration and enforcement, software and licensing disputes and litigation, and mergers, divestments and service transactions. Christopher's practice includes substantial attention to concerns faced by media & technology companies and to disputes involving new media, especially the fast-evolving content on the Internet.

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