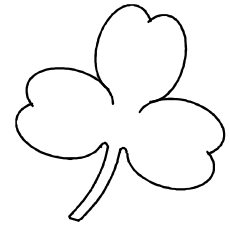




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Happy St. Patrick's Day



"Tip of the Month"

Software and Contract Law Protection!

Contracts have proven to be an extremely useful source of legal protection for software owners. These contracts are known as license agreements. With the advent of the personal computer and consumer software, software licenses for these products became known as "shrink-wrap" licenses. The name developed because the license was initially included on the outside of the software package visible through a layer of clear shrink-wrap plastic. The license typically states that the consumer will be deemed to have accepted the terms of the license agreement by opening the package that contains the software program.

With the availability of software on-line, these types of licenses are also called "click-wrap," "click-to-accept" and "browse-wrap" licenses. Click-wrap license agreements are either on-line license agreements when software is delivered electronically, or license agreements that are part of the initialization process that occurs during installation of the software. The initialization process requires the customer to click on an "accept" icon in order to signify acceptance of the terms of the software license. Failure to click on the "accept" icon aborts the installation process. The browse-wrap license agreements refer to a notice placed on a web page indicating that the user is subject to a license agreement viewable on a separate web page. This type of license does not require the user to click an icon to signify acceptance.

"Shrink-wrap" licenses are used to minimize complexity and reduce risk, to minimize transaction time, and to minimize time before payment. However, they are not appropriate where software agreements include relatively high software license fees, further payment obligations and software support options.

If you need any help with your software license agreements, please give us a call at (603) 668-1917 or contact us through the Internet at *Meslaw @ aol.com* to schedule an appointment.

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