For Information

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**Legislative Council Panel on Commerce and Industry
Promoting the Use of Genuine Software in Business**

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Purpose

   To further enhance the awareness of and respect for intellectual property rights (IPR) among the business community, the Intellectual Property Department (IPD), in collaboration with the Business Software Alliance (BSA), launched the Business Software Certification Programme ("the Programme") on 23 October 2006. This information paper outlines the Programme and the benefits to the participating organisations.

Background

2.   The Programme is part of the "Genuine Business Software Campaign" jointly launched by IPD, the Customs and Excise Department (C&ED) and BSA in September this year to promote the use of licensed software in the workplace. Other activities held under the Campaign include (i) a series of Software Asset Management (SAM) Seminars for the business community (please see paragraph 9 below); and (ii) raising the cash award under the "Reward Scheme to Combat the Use of Pirated Software in Business" from $5,000 to $30,000, as a measure to encourage members of the public to report incidents of software piracy in the workplace. This Reward Scheme is financed by BSA and administered by C&ED.

3.   The Programme has received good support from various trade associations and non-profit-making organisations. They include the Chamber of Hong Kong Computer Industry, the Federation of Hong Kong Industries, the Hong Kong Brands Protection Alliance, the Hong Kong Council of Social Service, the Hong Kong General Chamber of Commerce, the Trade Development Council, and the Chinese Manufacturers' Association of Hong Kong.

The Business Software Certification Programme

4.   The Programme aims to promote best practices in IT management among organisations, especially small and medium enterprises (SMEs). It empowers them with the know-how to better manage their software assets through effective SAM.

5.   Under the Programme, about 30 000 organisations, mainly SMEs, will be approached through various means including direct mailing and telephone calls to promote proper management of software assets. For those organisations which signify agreement to participate in the Programme, they stand to receive free on-site software audit and professional SAM consultancy services from an independent SAM Contractor ("the Contractor") commissioned by IPD. The Contractor will also assist the participating organisations in checking if there is any inadvertent use of unlicensed software within the organisations, and in formulating appropriate procedures and guidelines that help ensure the use of genuine software. A copy of the promotional leaflet on the Programme is attached for information.

6.   Before the free on-site software audit service is provided, the Contractor will enter into an agreement with the participating organisations. This is mainly to ensure that the information collected during the on-site software audit in relation to the software licensing situation in the organisations would not be disclosed to any third parties.

7.   If, in the light of the software audit, a participating organisation is found to be in full compliance with the copyright law, IPD and BSA will issue a certificate to the organisation as a testimony of its intellectual property compliance. The commendable efforts of all such organisations will also be recognised through a series of publicity events in March 2007.

8.   Those participants who are found to have inadvertently used unauthorised software will be encouraged to sign an undertaking to rectify the situation before 30 April 2007. In return, they will receive an assurance that BSA member companies will not initiate civil action against them in the intervening period.

9.   To supplement our efforts to promote effective SAM to the business community, a number of seminars were held in September and

October 2006. Another seminar will be organised in December 2006 to provide guidance to enterprises on how to formulate proper SAM policies and practices.

Benefits to Participants

10. Proper management of software assets will boost efficiency and competitiveness. Good SAM practices help (i) minimise exposure to avoidable legal risk arising from casual or inadvertent downloading of illegal software, (ii) save costs from excessive licensing, (iii) enhance employee productivity, and (iv) improve computer network security. Under the Programme, software vendors are also encouraged to offer discounts on products or services to the participating organisations.

11. Apart from promoting wider use of effective SAM practices, the Programme is intended to instil a sense of pride among the participating organisations in using genuine software. Hence, the proposed certification and publicity measures described in paragraph 7 above.

Concluding Remarks

12. The Programme, which is a pilot in nature, will run up to 15 March 2007. At the end of the pilot period, we will assess what further measures should be put in place to promote intellectual property compliance amongst the business community.

Intellectual Property Department
December 2006

商業軟件 IP 行動
Genuine Business Software Campaign

Business Software Certification Programme

Encourage Enterprises and Organisations to use Licensed Business Software

FREE Software Audit and Software Asset Management Consultancy Services

Have You Applied Yet ?
ACT NOW !

Application Starts NOW till 15 March 2007

Application and Enquiry Hotline: 3198 2014
www.hkgbsc.com

Organisers:

Supporting Organisations: CHKCI · FHKI · HKGCC

Background

Intellectual Property Department, HKSARG (IPD) joins hand-in-hand with Business Software Alliance (BSA) to launch the Business Software Certification Programme ("the Programme") on 23 October 2006 which aims to further equip organisations, both business and non-business, with a good knowledge of Software Asset Management (SAM) and to promote proper licensing of business software.

Software Asset Management is an on-going monitoring mechanism for long term IT governance in workplace. It involves the development of policies and procedures, preliminary auditing of software, matching your software with licensing records and establishment of routine audits for software.

The Programme is a unique opportunity for you to exercise your leadership and good governance applying SAM effectively and enhancing your competitive edge.

The Programme is one of programmes under the second phase of Genuine Business Software Campaign (GBSC) which has been launched in September this year with a dedication to promoting respect for copyright in software and to encouraging business software legalization. The Programme receives tremendous support from various trade and non-profit-making organisations in inviting their respective members to participate. These supporting organisations include the Chamber of Hong Kong Computer Industry, Federation of Hong Kong Industries, Hong Kong Brands Protection Alliance, the Hong Kong Council of Social Service, Hong Kong General Chamber of Commerce and Hong Kong Trade Development Council.

What are the Objectives?

- Raise organisations' awareness of SAM and proper licensing by outreaching organisations
- Spread best SAM practice among organisations through software auditing
- Build a strong level of support through commending organisations in full compliance
- Develop the trend of full compliance by publishing names of organisations through publicity channels

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What is the Programme?

Under this Programme, IPD commissions an independent Software Asset Management Contractor (Contractor) to provide:

FREE On-site Software Audit Service

- The independent Contractor will perform a free software audit by identifying all licensed, unlicensed and excessive software installation in accordance with the type of software vendors listed in BSA member page:
http://www.bsa.org/hongkong/about/BSA-Members.cfm

- The independent Contractor will verify the Software Licence Ownership Summary provided by the participating organisations during the on-site software audit and prepare a complete Software Audit Visit Report for each participant (any information relating to software licensing situation that has been collected during the audit process will be kept confidential)

The organisers will issue a certificate to commend those organisations found in full compliance after software audit. These successful participants will be recognized through a series of publicity in newspapers and websites after the completion of the Programme.

FREE SAM Consultancy Services

- The independent Contractor will conduct a briefing on SAM and provide templates and guidelines to facilitate the participants to set up in-house SAM policies and procedures

- The independent Contractor will provide advice to the participants related to SAM within a specified period of time after completion of free service

- A SAM Consultancy Report will be prepared for each participant

Who Should Join?

Organisations in all sizes and nature utilizing software in Hong Kong should join the Programme.

Why You Should Participate?

Use of unlicensed software in organisations is illegal. Unlicensed use can take a number of forms, including:

- An organisation deploying one licensed copy of software across multiple computers and under-reporting its licensing needs
- An employee casually downloading illegal software for use in the workplace
- A business taking advantage of 'upgrade' licenses without having a legal copy of the version to be upgraded
- An entity mis-using academic, OEM, developer or other restricted software
- A company using a 'multiplexing device' on the false understanding that this may reduce the number of software licenses it will require

The BENEFITS Derived from the Programme include:

- **SAVE COST & IMPROVE BUSINESS PERFORMANCE** – you know what licence you have and what you may not need. You can save money from avoiding over-licensing of business software. You can make the best strategic decisions about your IT needs

- **INCREASE EMPLOYEE PRODUCTIVITY** – through standardisation, your users can work together seamlessly. With optimization of software deployment, your IT department can reduce time and hassle and your users can boost productivity

- **LOWER LEGAL RISK** – you can avoid unnecessary legal risk from casually downloading illegal software, taking advantages of upgrading version of unlicensed software, misuse of restricted software, under-licensing for software. Most importantly, it saves you from end-user piracy result from intended or unintended infringement of software copyright

- **GOOD BUSINESS ETHICS** - you are committed, as a responsible organisation to use genuine software and acquire sufficient legitimate licences in operations. You also play a vital role in promoting respect for copyright in software and you can induce a sense of pride for your employees, your organisation and the community

- **FREE SERVICE** – Under the Programme, you can enjoy FREE business software audit and FREE SAM consultancy services. You can deploy the resources of setting up the best practices for SAM to other areas. The organisers will encourage software vendors to offer discounts for organisation during the Programme period

How to Enjoy the FREE Service under the Programme?

Step 1	Call the FREE Service HOTLINE at 3198 2014 (Monday to Friday from 9:30am to 6:00pm) and schedule an appointment for the software audit and SAM consultancy services, or download the participation form from www.hkgbsc.com
Step 2	Assign an officer to work with the independent Contractor and coordinate with the independent Contractor for the free services offered
Step 3	Prepare a Software Licence Ownership Summary together with purchase invoice copies for verification
Step 4	The independent Contractor will perform the on-site software audit and conduct a brief training for the organisations
Step 5	Apply clear policies and procedures in managing your software assets afterwards
Step 6	The independent Contractor will prepare a complete Software Audit Visit Report (including the SAM consultancy service) for you
Step 7	The organisers will issue a certificate to commend you if you are found in full compliance and the name of your organisation will be published through a series of publicity afterwards

Would the Information Collected during the On-site Software Audit Visit be Disclosed?

By participating in the Programme, the independent Contractor will enter into a non-disclosure agreement with your organisation. It ensures that the information relating to the software licensing situation that has been collected during the on-site software audit would not be disclosed to any third party.

What Can You Do if Your Organisation is Found Not in Full Compliance?

If your organisation is found not in full compliance under the Programme, you are encouraged:

- To sign a declaration under GBSC's website - http://www.hkgbsc.com/enroll_eng.pdf which you can get the assurances against BSA-initiated end-user legal action from the date of the acceptance until 30 April 2007
- To acquire sufficient legitimate licences to remedy any shortfall or discrepancies as necessary in order to ensure full compliance before the end of the Assurance Period

Application Deadline: 15 March 2007

ACT IN TIME & GRASP THE BENEFITS!
Application & Enquiry Hotline 3198 2014
www.hkgbsc.com

Business Software Certification Programme

Application Form   商業軟件 行動

SECTION A: Basic Information
Organisation Name : _____
Owner's Name : _____
Position : _____
Type of Industry : _____
Telephone : _____ Fax : _____
Email : _____

Please put a [✓] in an appropriate blank below:
[ ] My organisation is interested in participating in the Programme.
[ ] My organisation would like to get more details of the Programme for consideration. Please contact us.

_____
Organisation Chop   Authorised Signature*   Date

* Important: To be signed by the Business Owner or Senior Management of the Organisation which means either the Chairman, President, Managing Director, Executive Director, Chief Executive Officer, Managing Partner or Proprietor.

SECTION B: Arrangement of FREE Software Audit & Software Asset Management Consultancy Services
Proposed Date & Time** (1st choice):
(Date) _____ (Time) _____
Proposed Date & Time** (2nd choice):
(Date) _____ (Time) _____
Officer-in-charge: _____ Position: _____
Address: _____
Telephone: _____ Fax: _____
Email: _____
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**The FREE Service will be arranged from Monday to Friday, 9:00a.m. to 6:00p.m. The service provided will not be confirmed until formal confirmation is received from the organisers or her appointed contractors. The organisers reserve the right to accept or decline the arrangement of any service without any reasons or explanations.
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▲ Application Deadline: 15 March 2007
▲ Please complete and return this form by fax (No. 2155 2310) or by mail to 25/F, Wu Chung House, 213 Queen's Road East, Wanchai, Hong Kong - Intellectual Property Department