

# Surplus Equipment Consortium/Network - Guideline

SEC/N.S1.GL.01.A

## Software Licensing Guidelines

### 1. PURPOSE

- 1.1. To define the consensus position of SEC/N® and its membership regarding software licenses for used semiconductor capital equipment.

### 2. SCOPE

- 2.1. State the standards that SEC/N members will adhere to regarding OEM capital equipment software and software license transfer issues.
- 2.2. Propose standards and procedures that preserve legitimate intellectual property rights regarding OEM equipment software and at the same time enable unfettered trade in used semiconductor capital equipment.

### 3. MEMBER STANDARDS

- 3.1. SEC/N and its members affirm that the protection of legitimate intellectual property rights is a cornerstone of modern, technological enterprise.
- 3.2. SEC/N and its members affirm that they will abide by all applicable intellectual property laws during the conduct of their businesses.

### 4. INDUSTRY PROPOSALS

- 4.1. Sales proposals, quotations, invoices, or commercial agreements concerning new or used semiconductor equipment purchases should include suitable disclaimers and/or disclosures regarding software licensing issues.
- 4.2. All software required to operate semiconductor manufacturing equipment should be transferable throughout the life cycle of the equipment. Pricing for the transfer of software licenses (if any) should be consistent with section III above and related to protection of the legitimate intellectual property rights of the OEM. Such pricing should not contain any bias between licensees that would constitute restraint of trade.
- 4.3. The software licensing to second, and subsequent, equipment owners should not be withheld from any party except for statutory (e.g., export restrictions) reasons.
- 4.4. Clear and prominent disclosure of policies regarding the transfer of software licenses should be incorporated in each piece of equipment by the OEM at the time of its manufacture. These disclosures should be incorporated in a manner that is permanent. Examples of this could be a physical tag, a disclaimer embedded in the software, or other similar notice that would travel permanently with the tool.
- 4.5. Rebuilders and resellers will not remove or tamper with notices of software license policies (as per IV. D above) that are permanently attached to equipment.
- 4.6. All industry parties will be encouraged to accept and endorse uniform software license policies such as these.
  - 4.6.1. Ratified by SEC/N Member Companies at SEC/N Member Conference, July 19, 2001.

Document Number: SEC/N.S1.GL.01.A

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Initial Release Date: 1/31/2004

Latest Revision Date: none

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