

Session Code: TH

UNDERSTANDING THE CRITICAL AND IMPORTANT DIFFERENCES BETWEEN SOFTWARE LICENSING AND SOFTWARE-AS-A-SERVICE TRANSACTIONS

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More and more companies are entering into Software-as-a-Service (SaaS) transactions without fully understanding what this type of transaction entails. To the extent that some companies are using software licensing concepts to govern their SaaS transactions, they are doing so at their own peril. In the traditional sense, a software licensing transaction is where a company licenses software and installs on its servers; but a SaaS transaction involves a company acquiring a service, and the software that provides the service is not licensed but instead is hosted by the supplier in the cloud and accessed via the Internet. This presentation will help you understand various pricing models and provisions as well as appreciate the contract language needed to protect your company, especially as it relates to protecting its data.

Peter Frazza is a shareholder of the firm Budd Larner, PC, and chair of the firm's technology law group. The group specializes in: (a) representing companies around the country in connection with the negotiation, drafting and preparation of software license, hardware, software development and maintenance agreements; (b) representing companies around the country in lawsuits and threats of lawsuits involving software, copyright, intellectual property and license agreement issues; (c) representing companies that have received software audit requests from software suppliers and the Business Software Alliance; (d) working with licensees to create their own form software license agreements, maintenance agreements, RFPs, RFIs, service agreements and statements of work; and (e) conducting in-house software license training sessions. Frazza also conducts software license training seminars nationwide. His "Keys to Negotiating Better Software Agreements" seminars have been attended by representatives of approximately 1,000 companies.

Frazza is also chair of the firm's employment law group. He counsels clients and handles trials that involve compliance with state and federal employment statutes, including Title VII, the Americans With Disabilities Act, the Age Discrimination in Employment Act and the New Jersey Law Against Discrimination. He has achieved success in cases before administrative agencies and in jury trials.

Over the years, Frazza has also handled complex matters in the areas of attorney malpractice, franchise practices, trademark disputes, copyright disputes, business torts, unfair competition, accounting malpractice, shareholder and partnership disputes.