

Certificate



The certification body of TÜV Informationstechnik GmbH hereby awards this certificate to the company

Soft & Cloud GmbH
Saerbecker Straße 141
48268 Greven, Germany

Certificate validity:
2023-06-30 – 2025-07-10

to confirm that its process

Secure licence transfer

fulfils all requirements of the criteria

Trusted Process, version 1.2

of TÜV Informationstechnik GmbH. The requirements are summarized in the appendix to this certificate.

The appendix is part of the certificate with the ID 5143.23 and consists of 3 pages.

Essen, 2023-06-30

Dr. Christoph Sutter, Head of Certification Body

To Certificate



Certification scheme

The certification body of TÜV Informationstechnik GmbH performs its certification on the basis of the following certification scheme:

- German document: “Zertifizierungsprogramm (nicht akkreditierter Bereich) der Zertifizierungsstelle der TÜV Informationstechnik GmbH”, version 1.1 as of 2020-03-01, TÜV Informationstechnik GmbH

Evaluation report

- German document: “Auditbericht – Prozess Sicherer Lizenztransfer der Soft & Cloud GmbH”, version 4.1 as of 2023-06-28, TÜV Informationstechnik GmbH

Evaluation requirements

- German document: “TÜVIT Trusted Process (TPCS)”, version 1.2 as of 2017-05-12, TÜV Informationstechnik GmbH
- Evaluation criteria for secure licence transfer derived from the jurisprudence judgment C 128/11 of the Court of Justice of the European Union (CJEU) as of 2012-07-03

Evaluation target

The evaluation target is the process “Secure licence transfer” of Soft & Cloud GmbH with the sub processes:

- purchase of used software licences,
- sale of used software licences and
- inventory check.

In case of purchase of used software licenses Soft & Cloud GmbH receives from the seller written confirmation that

- the software licence was acquired in the EU from the copyright owner as original licence,
- the software licence was purchased for perpetual use and
- their use is ceased after the sale of the software licence.

With the sale of used software licences it is ensured that only licenses are sold, which were purchased. That is checked as part of the inventory check in two independent ways.

The overall process is described in the following German document:

Prozessbeschreibung "Sicherer Lizenztransfer der Soft & Cloud GmbH", version 1.1 as of 2023-06-02, Soft & Cloud GmbH

Evaluation result

The process fulfills the requirements of the following evaluation criteria for secure licence transfer and the criteria TÜVIT Trusted Process (TPCS), version 1.2.

Evaluation criteria for secure licence transfer

The evaluation criteria for secure licence transfer were prepared on the basis of the CJEU judgment C-128/11 as of 2012-07-03 and take into account the decisions for the marketing requirements of used licences for computer programs downloaded from the internet:

1 Declaration of the seller

The following must be provided as evidences for each purchased used software licence by a written declaration of seller:

- existence of the original licence for perpetual use sold in the EU,
- existence of Commercial Off-The-Shelf (COTS) software,
- legitimate purchase of the licence by the seller,
- confirmation of the seller that he has stopped the use of the software licence and destroyed the software.

Licences without the above-mentioned information will not be traded.

2 Proof of origin in case of a legal defence

In the case of a legal defence the origin of a used software licence can be demonstrated based on the declaration of the seller.

3 Technical inventory management

Purchases and sales of software licences are stored in accounting software so that no more software licences can be resold than those purchased originally.

4 Periodic inventory check

There are regular checks of the inventory of software licences in two independent ways.

Summary of the TÜVIT Trusted Process criteria

1. Process Documentation

The process documentation is the basis for the process and its defined procedures. It appropriately documents the process requirements and serves as a basis for assessment and improvement. The documentation is sufficiently detailed to allow process reproducibility within certain limits.

2. Process Development and Implementation

The process has been developed and implemented based on interested parties' required objectives. The current process is consistent with its documentation.

3. Process Performance and Effectiveness

The process is developed to provide long term effectiveness. For this purpose, it is subject to continual performance measurements that may result in process or documentation improvements and the implementation of any change.

4. Consideration of Interested Parties

The objectives of the process are aligned with the parties interested in performance and success of the process, its measures and its results.

5. Quality Assurance

The process has been designed to repeatedly show both quality and success in its results. The process involves intermediate quality checks to ensure that it consistently achieves its intended goal. Quality criteria for the checks and related checklists are described in the process documentation.

6. Resources

The process consists of a series of measures and corresponding resources to achieve intended results.

7. Risks and Dangers

A procedure exists to control risks and dangers associated with the process and this is detailed in the process documentation.