



*“Intellectual property protection is critical to fostering innovation. Without protection of ideas, businesses and individuals would not reap the full benefits of their inventions and would focus less on research and development. Similarly, artists would not be fully compensated for their creations and cultural vitality would suffer as a result.”<sup>1</sup>*

# A guide to intellectual property licensing and compliance

*For IBM Power Systems and System Storage*

## Thank you...

For using IBM Power Systems and IBM System Storage. You depend on these systems to help meet your IT needs and appreciate the value they bring to your operation. For these proven systems to provide the optimal performance they were designed to deliver, it’s important that you understand how to correctly manage IBM machine code and operating system software, both of which are protected by IBM intellectual property rights and are licensed, not sold.

### This guide’s focus



Licensed program products

Licensed operating system

Licensed machine code

Hardware

System components

*Figure 1.* While there are different types of computer code, this guide specifically addresses IBM operating system software (e.g., IBM AIX) and IBM machine code for Power Systems and System Storage.

You probably have various systems and licensed products in use within your organization. While it can be challenging to manage numerous licenses and updates, it is your responsibility to confirm that you remain compliant with the terms of your applicable IBM license or support agreement. This guide was designed to help make that easier for you.

Compliance benefits you because it helps assure access to the support you need and the available updates intended to deliver the optimal performance of your IBM systems.



## IBM machine code and software access policies and practices

### IBM machine code

IBM licenses machine code under the IBM License Agreement for Machine Code. IBM only provides copies, fixes or replacements for machine code for machines under warranty or IBM maintenance, or under a separate written agreement, which may be subject to additional charges.<sup>3</sup> For more information, including how to obtain access to machine code updates for machines outside of warranty that are not covered by an IBM hardware maintenance service agreement, please visit: [IBM Fix Central](https://ibm.biz/FixCentralMC) at [ibm.biz/FixCentralMC](https://ibm.biz/FixCentralMC).

### IBM operating system code

IBM licenses Power Systems and System Storage operating system code under the IBM International Program Licensing Agreement (IPLA) and Licensed Information (LI) document or an equivalent license agreement.

### IBM license agreements

Please note that all IBM code (including machine code updates, samples or other software downloads), including that provided on the Fix Central website, is subject to the terms of the license agreements which govern the use of the associated code.

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### Why is compliance important?

Here's why intellectual property (IP) rights are worth protecting:

- IP creates and supports jobs
- IP drives economic growth and competitiveness
- IP helps generate breakthrough solutions
- IP rights encourage innovation and reward entrepreneurs<sup>2</sup>

What's more, compliance offers benefits for your organization:

- Helps you manage your IT environment in accordance with IBM licenses and agreements.
  - Helps you to avoid unplanned outages by knowing which systems are entitled to fixes, updates and technical support.
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## Managing your IBM licenses and agreements

Without an awareness of your entitlement status, you may risk becoming non-compliant with the terms of your IBM agreement and applicable IP laws. This could simply occur when a systems administrator applies code updates among similar machines or operating systems without first validating that each product is covered by the appropriate IBM agreement.

This may be further complicated within distributed IT environments where code updates are performed remotely, possibly resulting in updates being mistakenly applied to unentitled machines, putting you at risk of being non-compliant. To protect your company, it's vital to have a code update management plan. The graphic in Figure 2 will help you manage your support coverage needs going forward.

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### Assessing your support coverage needs

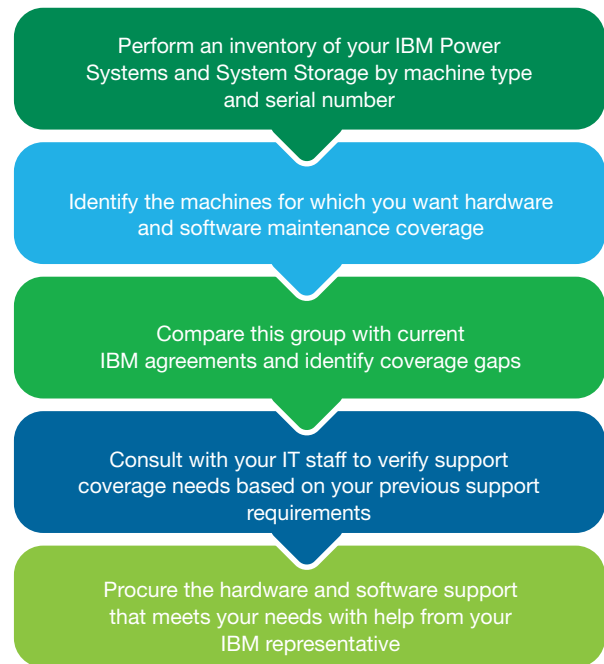


Figure 2. These are the steps involved in assessing your support coverage needs for your IBM Power Systems and System Storage.

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## Frequently asked questions about IP compliance

### Operating system software

*How do I know if I am permitted to download updates and obtain the support required?*

IBM code updates for licensed operating systems are available only where entitled under the applicable software warranty or IBM software maintenance agreement. Some exceptions may apply. For more detail on software policies related to fixes by operating system, visit [IBM Fix Central](https://www.ibm.com/support/fixcentral/) at [ibm.com/support/fixcentral/](https://www.ibm.com/support/fixcentral/).

*Under the standard IPLA, can I, as licensee, copy or modify a program?*

No. You cannot: 1) copy, modify, or distribute the program; 2) reverse assemble, reverse compile, otherwise translate, or reverse engineer the program, except as expressly permitted by law without the possibility of contractual waiver; 3) use any of the program's components, files, modules, audio-visual content or related licensed materials separately from that program; or 4) sublicense, rent or lease the program.

### Machine code

*Can I copy machine code on multiple machines?*

No. Machine code updates licensed for one serial-numbered IBM machine may not be used to update a different serial-numbered IBM machine. The fact that one machine is entitled to a machine code update as a result of its coverage under warranty or an IBM hardware maintenance service agreement does not provide, and IBM has not granted, any right or license to download, copy, reproduce or install the same or other IBM machine code updates on any other machine. Where a machine code update is authorized by IBM for a machine, it must be installed on the applicable machine within a reasonable period of time; it may not be installed on any other machine; and it may not otherwise be copied, reproduced or distributed.

*Can fixes, patches, or a replacement for machine code be provided by another vendor?*

No. IBM has not authorized any third party either to distribute IBM machine code updates for Power Systems or System Storage devices or to represent that they are entitled to do so, and whether you use a third party or not, you remain responsible at all times for your own compliance and for ensuring proper entitlement. IBM reserves the right to suspend an hourly services engagement where the installed level of machine code does not match the entitlement of the machine.

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## Compliance best practices

Licenses and support agreements may expire, renew or terminate, systems are replaced, IT personnel changes – and without the proper disciplines, you can lose track of your inventory. Scheduling periodic reviews of your installed inventory and support agreements can help. The best practices shown in Figure 3 can help you avoid unnecessary costs and fees, and minimize the liability risk that comes with non-compliance.

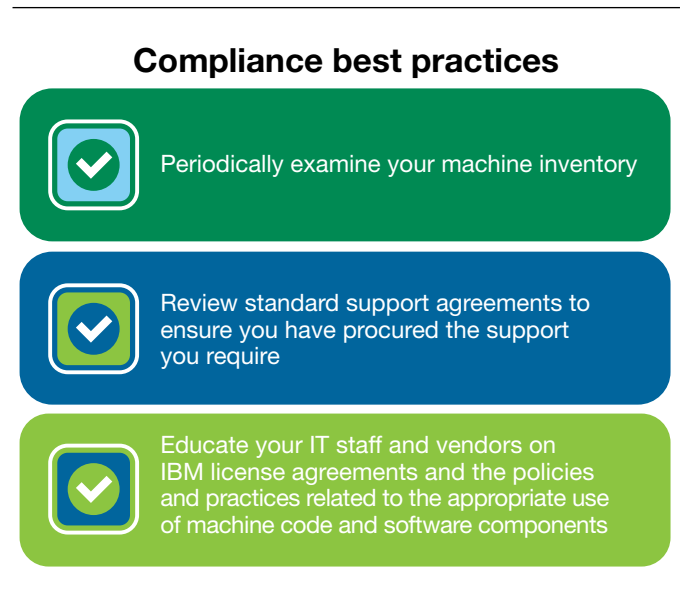


Figure 3. Ensure that your organization remains compliant by following these compliance best practices at least annually.

## We're here to help

License compliance is important. Your IBM sales representative is available to discuss your support needs and help you verify that your IBM Power Systems and System Storage devices are in compliance with your IBM agreements.

Please take steps now to inventory your machines and identify any gaps in coverage.

## For more information

To learn more, access these resources:

IBM Fix Central

[ibm.biz/FixCentralMC](http://ibm.biz/FixCentralMC)

IBM Software Policies

[ibm.biz/SoftwarePolicies](http://ibm.biz/SoftwarePolicies)

IBM Standard Agreements

[ibm.biz/StdAgreements](http://ibm.biz/StdAgreements)

Install Policy (Installation of IBM Machines)

[ibm.biz/InstallPolicy](http://ibm.biz/InstallPolicy)

Why Are Intellectual Property Rights Important?

[ibm.biz/IPRightsAreImportant](http://ibm.biz/IPRightsAreImportant)

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### IBM Österreich

Obere Donaustraße 95

1020 Wien

**ibm.com/at**

The IBM home page can be found at:

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1 <http://www.stopfakes.gov/learn-about-ip/ip/importance>

2 <http://www.theglobalipcenter.com/why-are-intellectual-property-rights-important/>

3 Certain machine code updates may, in IBM’s unilateral discretion, also be made available free of charge for download via Fix Central for use on machines outside of warranty that are not covered by an IBM hardware maintenance service agreement or a special bid agreement. A list of these updates is available on Fix Central at: [ibm.com/support/fixcentral/](http://ibm.com/support/fixcentral/). IBM does not represent that any particular categories of machine code updates will, in all instances, be available free of charge, and no reliance can be placed on any precisely defined category of updates being made available free of charge in all instances.

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