A guide to intellectual property licenses, compliance and support services

For IBM z Systems

IBM

"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."[1]

Thank you…

for using IBM z Systems® mainframes. 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.

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

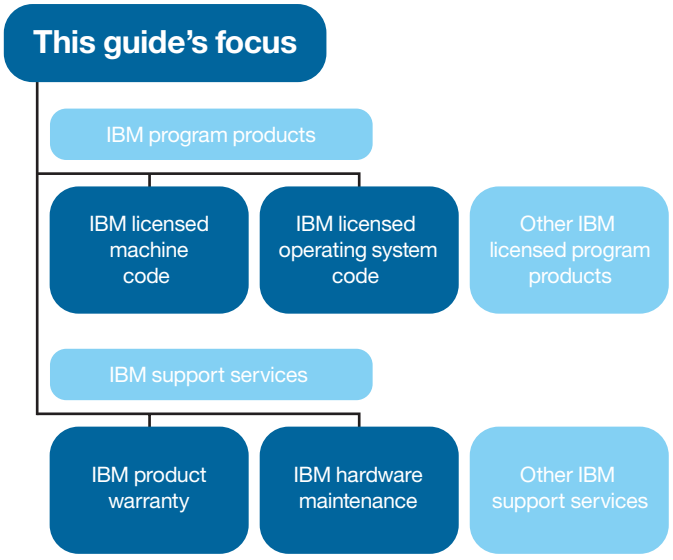

Figure 1. While there are different types of computer code, this guide specifically addresses IBM operating system software (e.g., IBM z/OS®), IBM machine code and support services.

IBM machine code and software access policies and practices

IBM machine code

IBM licenses machine code under the IBM License Agreement for Machine Code[2]. IBM only provides copies, fixes or replacements for machine code (Machine Code Updates) for machines under warranty, IBM maintenance agreement, or under a separate written agreement, which may be subject to additional charges. Machine Code Updates for machines not under warranty or maintenance agreement, where procured from IBM under a separate written agreement, are provided via a Systems Update Level (SUL).

Operating system code

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

Support services

You can purchase a hardware maintenance agreement from IBM or an authorized IBM Business Partner that provides a range of optional and custom support services. These ongoing support services allow you to easily maintain IP compliance. See Figure 4 to learn more about support services for z Systems.

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[3]**

What's more, IBM hardware and software agreements offer benefits for your organization:

- **Improve z System uptime with automatic notification of crucial software problems and fixes**
- **Gain expanded real-time online technical support and answers to software installation and usage questions**
- **Access feature-rich usage and defect support**

Managing your IBM licenses and support coverage

Without an awareness of your entitlement status, you may risk becoming non-compliant with the terms of your IBM agreements 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 understand which IBM agreements provide the support coverage needed for the z Systems machines and software in use within your organization. Figure 3 will help you manage your support coverage needs going forward.

How do I determine the proper support coverage for my z Systems hardware and software?

Hardware warranty

- Access to IBM remote and onsite 7x24x365 technical support infrastructure for resolution of machine problems or those you report
- Includes the IBM portfolio of electronic and proactive support tools in support of IBM hardware
- Includes provision of Machine Code Updates
- Governed by the Statement of Limited Warranty

Hardware maintenance support

- Access to IBM remote and onsite 7x24x365 technical support infrastructure for resolution of machine problems or those you report
- Provides enhanced service levels
- Includes the IBM portfolio of electronic and proactive support tools in support of IBM hardware
- Includes provision of Machine Code Updates
- Governed by the Client Relationship Agreement or your existing agreement with IBM

Software support

- Provides real-time answers to routine technical support, software installation, how-to and usage questions online to improve uptime
- Includes the IBM portfolio of electronic and proactive support tools in support of IBM software
- Governed by the Client Relationship Agreement or your existing agreement with IBM

Program support

- Provides defect support and fixes for IBM software products such as z/OS, DB2®, CICS®, IMS™; and z Systems software programs such as database system web servers, message queuing and routing functions, transaction managers, Java virtual machines, Extensible Markup Language (XML) processing functions
- Requires monthly license charge (MLC)[4] or support and subscription feature
- Governed by the Client Relationship Agreement or your existing agreement with IBM

Licensed program product support

- Each program's license[5] outlines the specified program level you are authorized to run or execute
- Requires up-front one-time license fee and ongoing optional annual subscription and support charges
- Defect support provided
- Governed by the International Program License Agreement or your existing agreement with IBM

Figure 2. Offers guidance on the support coverage available for your z Systems machines.

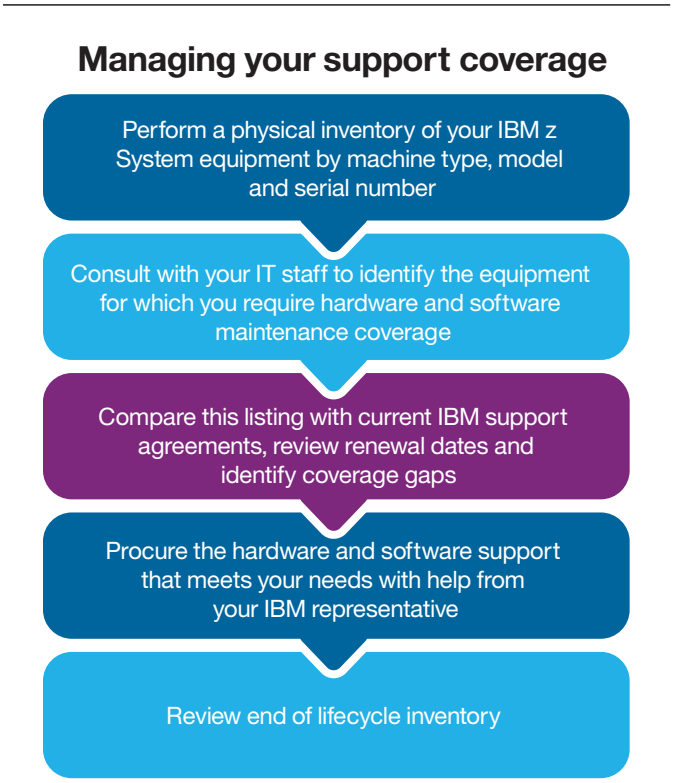

Figure 3. Outlines the steps to take to manage your support coverage.

Customizable support service options

Your purchase of an IBM z System mainframe includes coverage under warranty for the specified warranty period (see column 1 in Figure 4). You can purchase an IBM hardware maintenance agreement that provides hardware support after the expiration of the warranty period, which includes machine code updates, to help manage your IP compliance (see column 2 in Figure 4).

With an IBM hardware maintenance agreement, you can also choose from a range of optional add-on services as well as enhanced customizable service options designed to address your unique needs (see column 3 in Figure 4), including support for mission-critical infrastructure.

IBM hardware maintenance services for z Systems mainframes provide cost-effective access to IBM technical expertise, allowing you to minimize downtime with proactive solutions and a single point of escalation should a problem arise.

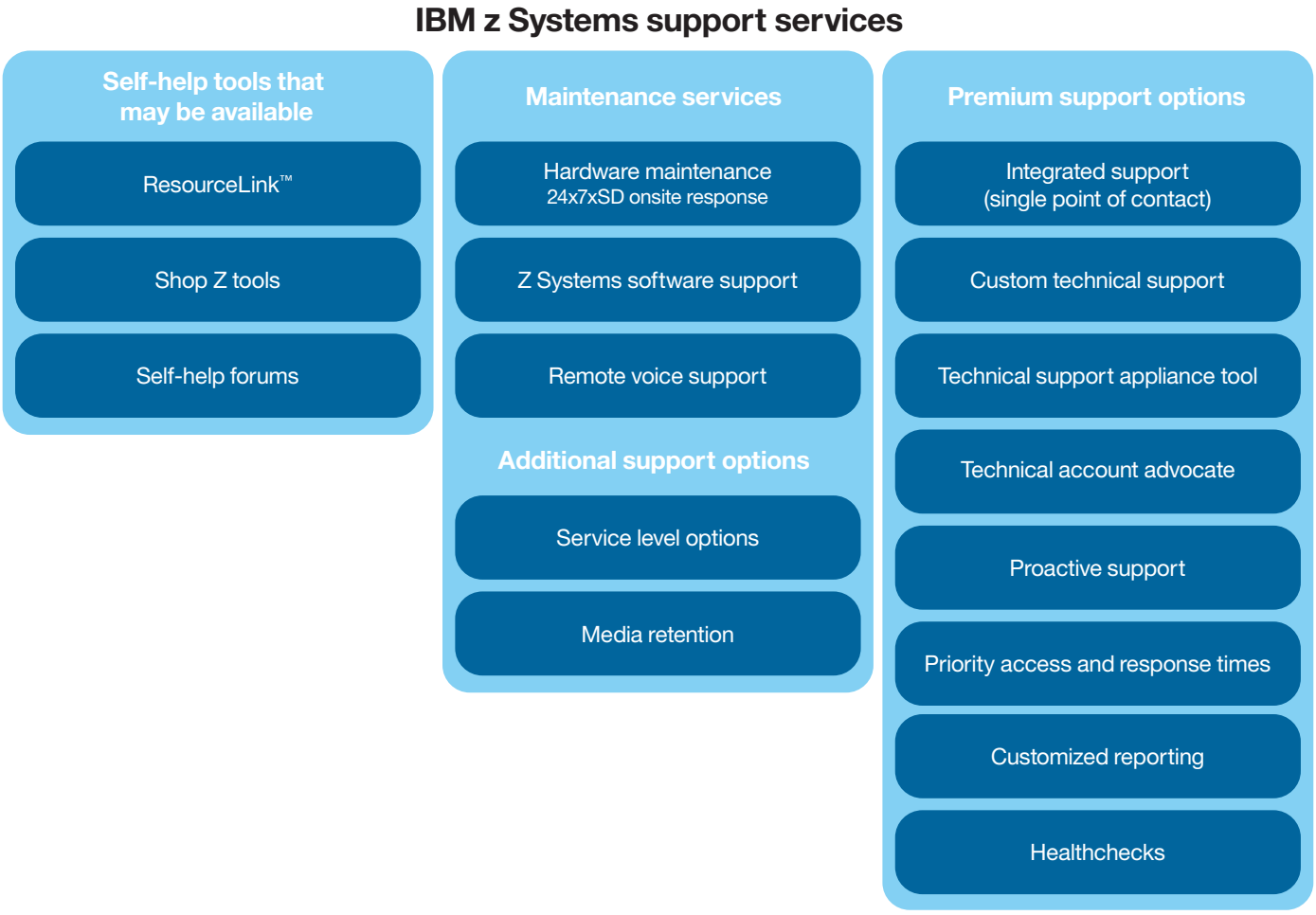

Figure 4. Illustrates support services for your IBM z Systems mainframes—those that may be available as well as optional and premium services. IBM reserves the right to change, modify or withdraw its offerings, policies and practices at any time.

Compliance best practices

Licenses and support agreements may expire, renew or terminate, systems are replaced, IT personnel change—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 5 can help you avoid unnecessary costs and fines and minimize the liability risk that comes with non-compliance.

Figure 5. Ensure that your organization remains compliant by following these compliance best practices at least annually.

Frequently asked questions about IP compliance

Operating system software

Under the standard IBM agreement(s), 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.

Does IBM support Linux or other open source software?

Yes. However, you need to refer to the specific license terms of the code.

Machine code

Am I permitted to copy or install machine code Systems Update Levels (SULs) on multiple z Systems machines?

No. Machine code and Machine Code Updates licensed for one serial-numbered IBM machine may not be used on 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, an IBM hardware maintenance agreement or a separate written 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.

May I obtain a z Systems Machine Code Update (SUL) for a machine that is not covered by IBM warranty or by IBM hardware maintenance agreement?

Yes. Machine Code Updates (SULs) are available via a separate IBM agreement, under the appropriate terms and at a separate charge. The licensee (the owner or lessee in possession of the machine) may authorize a third party to procure and install Machine Code Updates on the licensee's behalf under the applicable IBM agreement terms, but remains responsible for compliance with all applicable license terms. IBM reserves the right to suspend an hourly services engagement, may refuse to accept a machine onto a maintenance agreement, and may take further action where the installed level of machine code does not match the entitlement of the machine.

May I obtain a Machine Code Update (SUL) for IBM z Systems via IBM hourly services?

No. IBM does not provide Machine Code Updates (SULs) for IBM z Systems during an hourly services engagement. Machine Code Updates (SULs) must be obtained under a separate written IBM agreement, which may be subject to additional charges.

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 z System machines 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:

IP Protection
ibm.biz/IPCompliance

IBM Software Policies
ibm.biz/SoftwarePolicies

IBM Standard Agreements
ibm.biz/StdAgreements

Install Policy (Installation of IBM Machines)
ibm.biz/InstallPolicy

Intellectual Property Licensing
http://ibm.biz/IPlicensing

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Produced in the United States of America
March 2017

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Please Recycle

[1] *https://www.stopfakes.gov/article?id=Why-is-Intellectual-Property-Important*

[2] License agreement for machine code and licensed internal code: *www-947.ibm.com/systems/support/machine_warranties/machine_code.html*

[3] *http://www.theglobalipcenter.com/why-are-intellectual-property-rights-important/*

[4] Monthly license charge (MLC) metrics are those where a recurring charge applies each month. This charge includes the right to use the product, and also access to IBM product support during the support period. IBM offers a variety of MLC pricing metrics to meet the diverse needs of our mainframe clients.

[5] Program license information available at *www.ibm.com/software/sla/*

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