

## Used Software Trading Under ECJ Hammer

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The European Court of Justice (ECJ) will be deciding whether usedSoft can sell second-hand versions of downloaded business software, following its case in German Federal Court of Justice with Oracle.



Now the ECJ will apply directive 2009/24/EC ("...the reproduction of a computer program does not, in the absence of specific contractual provisions, require the authorisation of the rightholder"), setting a precedent for used software license trading across the EU.

In 2005 Oracle kicked off the legal battle against usedSoft, a company selling "pre-used" Oracle software licenses online. While Oracle claims its license agreements don't allow for its software to be used by third parties, usedSoft argues the contrary, as it acquires a notarised statement from the original licensee.

The ECJ's decision will ultimately also determine the usedSoft's clients' legal standing.

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