

Active Software Escrow Best Practice Training Course



Are you managing your ICT Operational Risk effectively & improving your IT Governance to meet Active Escrow & King III compliance obligations?

Are you protecting your organisation's investments & interests in technology on which your key business functions & processes absolutely depend?

The practice of protecting ICT investments via an Escrow arrangement is gaining prominence - If your company does not depend on software for mission critical business processes & functions, you may not need to be concerned with active Escrow. But if it does, you, as director or officer, & your organisation, need the protection that active software Escrow has to offer.

Source Code Escrow is a process whereby access to maintainable information systems can be guaranteed:

- Irrespective of the stability of the commercial status of the software supplier
- If certain predefined commitments such as warranty, support & maintenance are not honoured

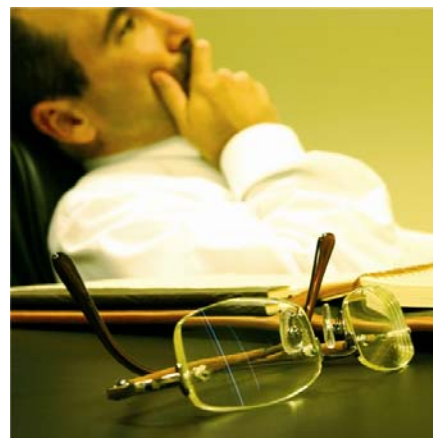
The process requires specific actions from organisations procuring Information & Communications Technologies (ICT) systems, supplying the software for the ICT systems, & independent brokers — Escrow agents — for holding the ICT source code, & quality assessors who are auditing any part of this process.

These guidelines:

- Promote the use of Escrow to purchasers so that the need for Escrow may be identified & hence, agreements can be set up at the proper time, reducing risk in ICT procurement
- Instruct suppliers as to what & when they need to deposit into Escrow & how source code Escrow can be used as a marketing tool for their software
- Direct Escrow agents as to what facilities an Escrow agent must offer to safeguard the interests of both software purchasers & suppliers
- Set out a legal framework for the implementation & application of Source Code Escrow, showing how, in complex situations such as those involving software development contracts, expensive & lengthy litigation can be avoided

Source Code Escrow is a disaster recovery & business continuity method that supports the procurement process & secures long term investment in information & communication technology. It is an integral component of IT Governance & adds value to the infrastructure of trade by providing benchmark evidence for legal practitioners.

Active Software Escrow Best Practice is presented in association with Escrow Europe and Chetty Law.



What you will learn

Delegates will learn how to achieve 'best practice' activities for all roles in the Source Code Escrow process.

The course is designed to:

- Increase awareness of the role of Source Code Escrow in the procurement of Information & Communication Technologies (ICT) systems which conform to open specifications
- Help organisations to assess & manage the cost benefit & risk reduction associated with the use of Escrow
- Supply a definition & analysis of performance & quality parameters that can be properly measured & compared
- Define a standard set of procurement best practices, to allow organisations to assess their procurement activity in relation to Source Code Escrow

Who will benefit?

- CIO's / IT Management
- Risk & Business Continuity Managers
- Software Developers, Escrow Agents & Business Process Managers
- Quality Assessors, Legal Practitioners & Compliance Officers



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Course Content



Overview of IT Governance

- ICT Risk Management
- ICT Continuity Management

The Role of Active Escrow in ICT Operational Risk Management

- What is Escrow?
- Business Motivation for Escrow
- Active vs. Passive Escrow
- Relevance to ICT Operational Risk & Continuity Management
- Case Studies
- What should be put into Escrow?

Different Types of Escrow Agreements

- Overview of Different Types of Escrow Agreement
- 3 Party Agreement – 1 Deposit with 1 Beneficiary
- Establishing Corporate Standards
- 2 Party Agreement – 1 Deposit with Multiple Beneficiaries
- Essential Quality Criteria
- Gartner Advises...
- License Clause Considerations

Quality & Technical Attributes

- Selecting an Escrow Agent
 - Independence
 - In-house Legal & Technical Expertise
 - Monitoring Updates to the Software
 - Secure Storage
- The Scope of Technical Verification
 - Level I
 - Level II
 - Level III

Local & International Standards for ICT Operational Risk Management & Business Continuity

- International Standards & Guidelines
- Using Source Code Escrow to Protect Procurement
 - Licensing Software
 - Software Source Code vs. Object Code
 - Maintenance & Enhancement
 - Dependence on One Supplier
 - More Independence through Escrow
- Using Escrow as a Tool for Business Continuity
- Cross Referencing the Standards

Legal Requirements & Escrow

- Intellectual Property Held in Software
- Legal Risks Associated with Software
- Which Legal Risks are mitigated through the use of Escrow?
 - Violation of Contractual Obligations
 - Failure to Support/Maintain the Software
 - Insolvency (companies) or Bankruptcy (individuals)
 - Infringement of Copyright

Escrow Contracts – What are the Practical Requirements when Identifying & Protecting Mission Critical Software Platforms?

- The Escrow Agreement
 - Release Events
 - Procedures for Release
 - Disputes
 - Compliance with the Law
 - Effective Enforcement & Information Procedures
 - Keeping the Escrow Agreement Up to Date
- Requirement for Providing Reliable Escrow Services

Auditing the Escrow Process

- Auditors Check List
- Feedback—The Key to the Process
- How is this Process Maturing?

About your Trainers

Johan Botha, MD, Analytix

Johan is a trained & certified performance management consultant & an acknowledged expert in IT Governance & IT Performance Management, particularly in the COBIT[®], ISO 27001 & the Balanced Scorecard frameworks & the processes required to support their design. Johan has lead projects to develop & implement IT Governance & Performance Management Solutions for major public & private sector organisations & has also developed COBIT[®] & IT Governance related training courses, which have been attended by over 800 IT professionals from over 100 leading South African & African companies.

Andrew Stekhoven, MD, Escrow Europe

Andrew's IT career spans over 20 years, during which he has held executive roles that include the hardware, software, networking & professional services sectors of the IT industry. He currently holds the position of managing director of Escrow Europe (Pty) Ltd - a member of the international Escrow Europe group, one of the world's leading providers of active software Escrow (or technology Escrow) services. In November 2007, the Institute of Risk Management of South Africa (IRMSA) named Escrow Europe (Pty) Ltd as the recipient of the Best Small Business Initiative Related to Risk Management Award for 2007 at its annual conference. Andrew has also spoken at numerous public, company & user conferences as well as at several IT industry events, locally & abroad.

Pria Chetty, Partner, Chetty Law

Pria completed her law degree in 2000 & went on to specialise in Electronic Law & Intellectual Property Law. An active commentator on the ICT industry, she has been approached for numerous speaking engagements at international & local Technology & Innovation events & has written articles that have appeared in numerous publications regarding legal developments in the ICT industry. She was identified as one of the Brightest Young Minds in South Africa & later, in 2006, featured in Maverick magazine as one of five young attorneys making their mark in legal practice in South Africa. She is the founder of Technology & Innovation Law Firm, Chetty Law.



Approach, Deliverables & Method

The practical hands-on course provides:

- Hands-on practical workshops and case studies
- Instruction from certified consultants with extensive operational experience across a broad range of public and private sector organisations.

Delivery Method:

- Classroom style - combining lecture, discussion & exercises utilising course materials, digital projector & flipchart

Consulting services

Analytix also offers consulting services relating to Active Software Escrow.

Other services include IT Governance, ISO 27001 compliant ISMS implementation, IT maturity assessments, security certification assistance & performance management.

In-house Training

All Analytix Courses are available in-house, should your organisation have a number of people or multiple sets to train. The cost advantages and the ability to discuss and resolve organisational issues are two major attractions of such training.

Register Today

To register, or for more information, please contact us:

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