

Server-Client Assessments in Microsoft Audits are Complex Undertakings

By Christopher Barnett

Microsoft audits – especially for larger companies – often are resource-intensive and exhausting undertakings even for the most well prepared IT teams. However, certain aspects of such audits often present more challenges than others. In our experience, the most difficult data to inventory and analyze accurately usually are those related to server clients.

In some environments, it can be very challenging first simply to identify the clients that connect to a particular application on a particular server and then to determine whether and to what extent individual clients connect to multiple servers. In environments licensed on a per-processor basis, this may be less of a concern. However, if the environment is licensed with server licenses and client-access licenses (CALs), then each licensed client has the right to access any number of corresponding server installations, thus potentially reducing the need for additional CALs.

Another significant challenge is determining the extent to which any clients are accessing heightened functionality of certain server products that would require additive client licensing. The most common example of this is Windows Server clients that access Remote Desktop Services, thereby requiring RDS CALs or, if appropriate, Remote Desktop External Connector licenses. While a network often may have devices assigned to monitor access to such functionality (as in RDS licensing), those devices often do not provide meaningful information regarding actual needs, nor do they typically do a very good job of actively policing against access in excess of licensed limits (also as in RDS licensing).

Finally, in assessing the enterprise's go-forward license needs prior to or during the audit, it is typically a complicated task to select the most cost-effective licensing alternatives for products offered under both server + CAL and per-processor licensing metrics. Such an assessment is a critically important step, given that it is advisable to tailor a settlement whenever possible to address prospective needs instead of historical deficiencies. Failure to seek such a resolution can mean that a business ends up paying, essentially, a "pure" penalty to Microsoft without receiving anything of value from that transaction (other than, ideally, a release from any liability associated with past unlicensed usage).

For all of these reasons, it is critical for an audited company to engage the services of knowledgeable counsel or licensing consultants to assist with data-collection and data-analysis activities.



About the author Christopher Barnett:

Christopher represents clients in a variety of business, intellectual property and IT-related contexts, with matters involving trademark registration and enforcement, software and licensing disputes and litigation, and mergers, divestments and service transactions. Christopher's practice includes substantial attention to concerns faced by media & technology companies and to disputes involving new media, especially the fast-evolving content on the Internet.

Get in touch: cbarnett@scottandscottllp.com | 800.596.6176