

**Vijay Chopra**

**From:** amit tewari [mailto:[amit.tewari@apvtechnologies.com](mailto:amit.tewari@apvtechnologies.com)]  
**Sent:** Wednesday, May 14, 2014 6:39 PM  
**To:** vijay chopra  
**Subject:** FW: Microsoft License Compliance\_APV India Pvt Ltd., Lucknow

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**From:** jainair [mailto:[jainair\\_77@hotmail.com](mailto:jainair_77@hotmail.com)]  
**Sent:** Wednesday, May 14, 2014 6:19 PM  
**To:** 'Arun Srivastava'  
**Cc:** amit tewari  
**Subject:** RE: Microsoft License Compliance\_APV India Pvt Ltd., Lucknow

Dear Arun

As discussed kindly be assured that there will be no further compliance notice from MS as your purchase order has been forwarded and most probably you will be getting your licenses within one week.

Regards,



**Jai Nair | Eniac Infosys Pvt.Ltd.**  
#6&9, Homavazir Chamber, 34,  
Near Basant Cinema, Lalbagh, Lucknow - 226001  
**Office:** +91 522 6535674;  
**Hand Phone:** +91-9235500683

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**From:** Arun Srivastava [mailto:[arunarun45@gmail.com](mailto:arunarun45@gmail.com)]  
**Sent:** Saturday, May 10, 2014 1:35 PM  
**To:** JAI NAIR  
**Cc:** atul kushwaha; Vijay Chopra  
**Subject:** Re: Microsoft License Compliance\_APV India Pvt Ltd., Lucknow

Hi Jai,

Thanks for your support & quick turnaround. .

With Regards,  
Arun

On Sat, May 10, 2014 at 1:29 PM, JAI NAIR <[jainair\\_77@hotmail.com](mailto:jainair_77@hotmail.com)> wrote:

Dear Arun

Just checked your mail. Probably this mail from MS Attorney has been initiated after compliance call and as today MS is off ,i will definitely close this next week.

Be assured we will be closing this compliance issue next week on priority.

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Date: Sat, 10 May 2014 13:09:48 +0530  
Subject: FW: Microsoft License Compliance\_APV India Pvt Ltd., Lucknow  
From: [arunarun45@gmail.com](mailto:arunarun45@gmail.com)  
To: [jainair\\_77@hotmail.com](mailto:jainair_77@hotmail.com); [amit.fewari@apvtechnologies.com](mailto:amit.fewari@apvtechnologies.com)  
CC: [vijay.chopra@apvtechnologies.com](mailto:vijay.chopra@apvtechnologies.com); [arun.srivastava@apvtechnologies.com](mailto:arun.srivastava@apvtechnologies.com)

Hi Jai,

Kindly find below mail from Microsoft. I would appreciate you to guide us for same and reply back to us with your opinion/suggestions as we discussed over phone.

Thanks & Regards,  
Arun

**From:** Sunil Singh [mailto:sunil@saikrishnaassociates.com]  
**Sent:** Saturday, May 10, 2014 12:47 PM  
**To:** apv; contact@apvtechnologies.com  
**Cc:** amit tewari  
**Subject:** Re: Microsoft License Compliance\_APV India Pvt Ltd., Lucknow

Without Prejudice

By Courier/ E-Mail

10 May, 2014

*Our Ref: UCAB*

Arun Srivastav,  
IT Head,

APV India Pvt Ltd.,

5/506, Viram Khand, Gomti Nagar,

Lucknow - 226 010

(Tel.: +91-9415022495)

Dear Mr. Srivastav,

We act for Microsoft Corporation, USA and Microsoft Corporation (India) Pvt. Ltd. (Collectively referred to as "Microsoft") and are authorized to address you as under:

You may be aware that Microsoft is a global leader in software technologies and is the intellectual property owner of various well-known software programs, including, among others: Microsoft Windows, Microsoft Office, Visual Studio and Exchange Server. A comprehensive list of Microsoft products and software titles can be found at:

<http://www.microsoft.com/en/us/sitemap.aspx#products>

You may also be aware that the Copyright Act, 1957, makes distribution and use of unlicensed copies of software programs both a civil wrong and also a criminal offence. In particular, Section 63B (knowing use of unlicensed software) read with Section 69 (offences by companies) provides for liabilities against company officials where any offence under the Copyright Act is committed by the company.

Microsoft conducts regular activities to promote the use of legal/genuine software in organisations around the world and takes the protection of Intellectual Property Rights very seriously. It is not uncommon for unlicensed software to find way inside an organisation unless such an enterprise has diligently implemented a robust IT policy

and/or has adopted Software Asset Management (SAM) tools to procure, manage and use software assets across its computer networks. By purchasing and managing software assets in an adhoc manner, there is a continued likelihood of unlicensed versions of Microsoft Software deployment in the computer systems. Consequently, your organisation may be ending up in using for commercial gains unlicensed or non-genuine copies of Microsoft software in the business operations. As a result, there is a reasonable belief that with the unlicensed Microsoft Software creeping in your organisation's computer systems, your organisation's use of Microsoft Software may not be fully authorized and violates various provisions of the Copyright Act, 1957.

It is also possible and likely that the services developed by you on unlicensed Microsoft software are being utilized by your customers either residing in India or abroad, who in turn are exporting their products and services to the US. Such services that are developed on unlicensed Microsoft software platform, anywhere in the product supply chain, could infringe and violate the US Unfair Competition Laws.

Further, unlicensed usage also results in *tax evasion* and *unfair competition* between the genuine and unlicensed users of software. Our Clients, in order to provide level playing field to its customers using legal software, would welcome the opportunity to resolve this matter amicably and without resorting to legal remedies; and we stand willing and committed to working with you and help your company acquire the necessary licenses to avoid liability under the Copyright Act, 1957. Being fully compliant on "Genuine and Licensed Software" shall also make your IT infrastructure more efficient & productive and will minimize any future legal & business risks associated with licensing non-compliance.

In view of the above, we encourage you to contact us within 7 working days of receiving this letter so that we can discuss the potential Benefits of Software Asset Management Audit, resolution of possible IT compliance claims and help you to take the next steps to conform to licensed and genuine Microsoft licenses, and protect your business interests.

A prompt response would be highly appreciated.

Sincerely,

**Sunil Singh**

*Advocate (Enrolment No: D/587/2003)*

**Counsel for Microsoft**

**Mobile: +91 9811647373**

**Email: [sunil@saikrishnaassociates.com](mailto:sunil@saikrishnaassociates.com)**