

## DEFINITIONS

### Concurrent User

The number of Concurrent Users describes the maximum number of users simultaneously accessing the Software.

### Computing Platform

Computing Platform means the environment in which a piece of the Software is executed. A computing platform can refer to operating systems as well as applications servers and runtime libraries. The computing platform and the installation prerequisites are defined in the product documentation of the respective Software.

### Fix

A Fix means an update of a Product Release provided for remedying a defect or defects. Usually, a Fix does not add or change functionalities of the Software, provided however, that in some cases it cannot be ruled out that a fix also adds or changes functionalities.

### Individual Agreement

Individual Agreement means a contract between Beta Systems and Customer for licenses, maintenance and/or services.

### MIPS

Million instructions per second, is a measure of computing performance, particularly the performance of the CPU (the Central Processing Unit of a computer)

### MSU

Millions of Service Units (MSU) per Hour, is a measure of computing performance used by IBM for its computer systems (especially IBM zSystems)

### Named User

A Named User is a unique person who is given access to the Software. Customer must obtain separate licenses for each Named User given access to the Software.

### Open Source Software

Open Source Software means Software by third parties which is available in source code form and which may be copied, distributed, used, changed and distributed in a modified form subject to the terms of the respective Open Source License.

### Product Generation

A new Product Generation constitutes a new product both from a legal as well as from a functional point of view and only shows a thematic connection with the prior Product Generation (e.g. "output management"). Delivery and support of a new Product Generation are subject to an additional agreement. Existing agreements for a prior Product Generation do not entitle Customer to claim delivery and/or support of a new Product Generation.

### Product Release

A Product Release means a version of the Software that is fully functional. It includes functional enhancements and may also resolve a specific set of defects. Beta Systems uses a numbering scheme with the format x.y. to designate released versions of the

Software. Whereas x stands for a major release, y stands for a minor release. Whether a Product Release is released as a major release (x.y+1) or a minor release (x.1.1) depends on how significant the changes are and remains at Beta Systems sole discretion. The Terms and Conditions do not make a difference between minor or major releases.

### Remote Access

Remote Access means the ability to directly and remotely access the contractual Software (e.g. from a Beta Systems subsidiary) and – insofar as necessary - IT systems of Customer. The aim of such an access is to render services in connection with software maintenance / failure analysis.

### Reverse engineering

Process to extract the source code and design elements of a software product by decompiling and analyzing the structures, components and patterns.

### Target Systems

Some products are linked with other IT-systems and platforms. These Target Systems may be operating systems, data bases or other IT applications.

### Third party software / third party products

Third party software / third party products means any and all Software programs / products that were developed by companies other than Beta Systems and that are delivered by Beta Systems.

### Type of License

The **license type A (basic)** entitles Customer to use the Software within the agreed range (max. use / license) for its own business purposes or exclusively for Customer's client named in the contract. The use of the Software by entities other than those named in the Individual Agreement is excluded, even if they are affiliated companies within the meaning of §§ 15-18 AktG (German Stock Corporation Act) of Customer or Customer's client.

The **license type B (group)** entitles Customer to use the Software within the agreed range (max. use / license) within its group for all its affiliates within the meaning of §§ 15-18 AktG (German Stock Corporation Act) or for Customer's client named in the Individual Agreement and the client's affiliates (group). In the latter case, Customer is not entitled to use the Software for its own business operations. A group comprises all affiliated companies (within the meaning of §§ 15-18 AktG) that were affiliated with Customer on the effective date of the Individual Agreement. An additional license fee shall be payable upon an expansion of the group (eg. by mergers, acquisitions or other inorganic growth) as well as for additional clients, even if the system environment remains unchanged.

The **license type C (outsourcing)** entitles Customer to use the Software within the agreed range (max. use / license) within its group for all its affiliates within the meaning of §§ 15-18 AktG (German Stock Corporation Act) and for Customer's client named in the Individual Agreement and the client's affiliates (group) within the meaning of §§ 15-18 AktG (outsourcing). The license shall be limited to those affiliated companies (within the meaning of §§ 15-18 AktG) that were affiliated with Customer and Customer's client on the

## Terms and Conditions of Beta Systems Group (DCI)

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### **Value Pack/Service Pack**

A Value Pack/Service Pack means an update of a Product Release. A Value Pack/Service Pack is an overlay/upgrade installation that improves the quality and usability of the underlying Product Release. It includes new capabilities and may resolve defects of the underlying Product Release. A Value Pack/Service Pack is the most current fix-level of a product.