

Passport Advantage Revision 2011



Background and History

- Passport Advantage program announced in May, 1998
 - Between 1998 and 2005, changes were made to the program and the underlying agreement approximately every 18 months
 - Agreement became ‘evergreen’ and technical support with subscription and included with every new license acquisition (October 2001)
 - Created Passport Advantage Express (May 2003)
 - Introduced Fixed Term Licenses, autorenewal, and Selected Support (2005)

- Since 2005, no new revisions of the agreements have been implemented
 - Additional “terms” needed have been handled by attachments. For example, Subcapacity Attachment in April 2005
 - New “go to market” models such as SaaS have also been implemented with attachments and sometimes complex processes requiring signatures from customers

- The 2011 revision is simply bringing together all of the separate functions that exist in multiple separate sets of add-on terms into one agreement, and generally bringing it up to date

Revision Scope

- Expansion of Base Agreement Terms
 - Consolidation of attachments

- Functional enhancements

- ‘Housekeeping’ updates

Expansion of Base Agreement Terms

- Approach to revision
 - Retain existing contracting structure
 - Incorporate existing and widely-applicable sets of terms into base
- Subcapacity or Virtualization licensing terms (section 3.2 of Agreement)
 - Updated to prohibit modifications to ILMT and its reports
 - All enrolments since April 2005 have had these attached by default
- SaaS terms – Software as a Service (Part 5 of Agreement)
- Appliance terms (Part 4 of Agreement)

Significant functional enhancements

- Removal of 500pt entry requirement (PA only)
 - Provides customer choice (PA or PA Express) regardless of initial order size
 - Accommodates smaller customers who want a single renewal per year
 - Addresses the discounting needs of customers who will start small but expect to grow
- The renewal of Software Subscription and Support for a particular product must either be for all licenses currently in service, or for none at all.
 - Per product per site
 - For licenses that are “in service” = “being used in any way for any purpose whatsoever”

‘Housekeeping’ updates

- Reorganized structure of agreements
 - Incorporate many features of IICA and IPLA – common look and feel
 - Definitions all in one place
 - Bring similar terms applicable to different types of offering together, e.g. warranty
- Expanded autorenewal countries
- Audit language updated
- Tax responsibility language clarified
- Country unique terms updated for local law requirements
- IPLA terms integrated into PA agreement

Questions?