

License Conditions and License Summary

1 Products: CM 1542-5

English:

For Resellers: In order to avoid infringements of the license conditions by the reseller or the buyer these instructions and license conditions and accompanying CD – if applicable - have to be forwarded to the buyers.

Deutsch:

An Wiederverkäufer: Diese Hinweise und Lizenzbedingungen und beiliegende CD, falls anwendbar, müssen an die Käufer weitergegeben werden, um Lizenzverstöße durch den Wiederverkäufer und den Käufer zu vermeiden.

Français:

A l'attention des revendeurs : ces informations, conditions de licence et, si applicable, le CD joint doivent être remis aux clients afin d'éviter que le revendeur et l'acheteur ne contreviennent aux dispositions de la licence.

Español:

A los revendedores: Para prevenir violaciones de la licencia tanto por parte del revendedor como del comprador, es obligatorio entregar al comprador estas indicaciones y términos de licencia, así como el CD que se adjunta siempre que sea aplicable.

Italiano:

Ai rivenditori: queste avvertenze, le condizioni di licenza e il CD allegato, se utilizzabile, devono essere inoltrati agli acquirenti per evitare violazioni di licenze da parte dei rivenditori e degli acquirenti.

中文:

适用于经销商：为避免经销商或买方违反许可条件，须将此说明和许可条件以及随附 CD（若适用）提供给买方。

2 Siemens Conditions and Disclaimers

2.1 English

Siemens License Conditions

General License Conditions for Software Products for Automation and Drives

(2011-08-01)

1. Supply of Software to Licensee and Granting of Rights to use the Software

1.1 These General License Conditions shall exclusively apply to the delivery of Software for Automation and Drives to the Licensee. General terms and conditions of the Licensee shall apply only where expressly accepted in writing by us. The scope of delivery of the Software shall be determined by the congruent mutual written declarations of both parties. We shall grant the Licensee rights to use the software specified in the Confirmation of Order or, if the Licensee does not receive a Confirmation of Order, the software specified in the Certificate of License or that specified in the Software Product Sheet, if the Licensee is instead submitted a Software Product Sheet (hereinafter referred to as "SW"). The Certificate of License and the Software Product Sheet shall be collectively referred to as "CoL" hereinafter. The Licensee shall be submitted the CoL when the SW is supplied or in conjunction with the delivery bill. The way in which the SW is supplied is also derived directly from the Confirmation of Order or from the SW purchase order number contained in the Confirmation of Order, in conjunction with the associated order data of our catalog valid at the time of the Confirmation of Order (hereinafter collectively referred to as "Order Data"), or from the CoL. If the Licensee does not receive a data medium, it shall be authorized to copy the SW already available to it to the extent necessary to exercise the rights to use the SW granted to it. The aforesaid shall apply, mutatis mutandis, to electronic supply of the software (downloading). Where reference is made to the Order Data or the CoL in these General License Conditions, the reference to the CoL is of significance if the Licensee has not received a Confirmation of Order. In any case, the data contained in the Order Data is also contained in the CoL.

1.2 The Documentation relating to the SW (hereinafter referred to as "Documentation") shall be purchased separately, unless either the Order Data or CoL contains a stipulation stating that it belongs to the scope of delivery. If the Licensee is authorized to copy the SW in accordance with Clause 1.1, this shall also apply to the Documentation provided that it is included in the scope of delivery.

1.3 In the event that we submit a License Key to the Licensee, which unlocks the SW (hereinafter referred to as "License Key"), this License Key must also be installed.

1.4 The rights granted to the Licensee with respect to the SW are based on the License Type (see Section 2) and the Software Type (see Section 3). The license and Software Types are detailed in the Order Data or CoL. If the SW is supplied electronically or if copying rights are granted for it, the rights and duties specified in these General License Conditions shall apply to the legitimately generated copies.

1.5 If the Licensee is legitimately in possession of a previous SW version/release (hereinafter referred to as "Previous Version"), the

Licensee shall be authorized to exercise the rights to use the SW granted to it either with respect to the SW or - if this is intended from a technical point of view - to the Previous Version, at its own discretion (downgrading). If the SW is an Upgrade or PowerPack in accordance with Section 4, Section 4 shall apply additionally.

1.6 If Previous Versions are listed in the Readme file of the SW under the category "parallel use", the Licensee has the right to exercise, alternatively to the user rights granted to him for the SW, the user rights for the listed Previous Versions in one (1) Instance. If the "Type of use" named in the Order Data or the CoL is: "Installation" or "User", the Licensee is entitled to the previously described right additionally to and at the same time as the Previous Versions listed in one Instance. An "Instance" in the context of these General License Conditions is either an instance in a physical operating system environment or an instance in a virtual operating system environment. The transferability of the user rights onto Previous Versions is only permissible in conjunction with the user rights for the SW in accordance with Clause 5.3.

1.7 In case the Licensee obtains only the data media but no license as per the Order Data or the CoL, any use of the SW by the Licensee is subject to the acquisition of a license according to Section 2. Up to the acquisition of the license, the Licensee is not entitled to supply the SW to third parties.

1.8 In case the SW contains Open Source Software or any similar software of a third party (hereinafter referred to as "OSS") the OSS is listed in the Readme_OSS-file of the SW. The Licensee is entitled to use the OSS in accordance with the respective license conditions of the OSS. The license conditions are provided on the same data carrier as the SW. The license conditions of the respective OSS shall prevail over these General License Conditions with respect to the OSS. If the license conditions of the OSS require the distribution of the source code of such OSS we shall provide such source code on request against payment of the shipping and handling charges.

1.9 The SW may be or contain licensed software other than OSS, i.e. software which has not been developed by us itself but which has been licensed to us by a third party (hereinafter referred to as the "Licensor"), e.g. Microsoft Licensing Inc. If the Licensee receives the terms and conditions stipulated by the relevant Licensor together with the SW in the Readme_OSS file in this case, such terms and conditions shall apply with respect to the Licensor's liability vis-à-vis the Licensee. Our own liability vis-à-vis the Licensee shall be governed in any case by these General License Conditions.

2. License Type

Depending on the License Type, the Licensee shall be granted the following rights to the SW:

2.1 Single License (One Off License, Copy License)

The term "One Off License" or "Copy License" which may be used in the Software Product Sheet corresponds to the term "Single License". The following regulation shall apply to the full scope of the One Off License / Copy License. The Licensee shall be granted the non-exclusive right, transferable in accordance with Clause 5.3 and valid for an unlimited period of time, to install the SW in one (1) Instance and to utilize the SW thus installed in the manner specified in the Order Data or CoL (see "Type of Use").

2.2 Floating License

The Licensee shall be granted the non-exclusive right, transferable in accordance with Clause 5.3 and valid for an unlimited period of time, to install the SW on any desired number of the Licensee's hardware devices. The number of objects (for example, users or devices) permitted to utilize the SW at the same time can be derived from the Order Data or CoL (see "Type of Use").

2.3 Rental License

The Licensee shall be granted the non-exclusive right, transferable in accordance with Clause 5.3 and limited in time as stipulated in the Order Data or CoL (see "Type of Use"), to install and use the SW in one (1) Instance. If the period of use is specified in hours, the usage decisive for the calculation of the time limit commences with the software start-up and finishes with its shut-down. If the period of usage is specified in days, weeks or months, the specified period, which commences in conjunction with the first SW start-up, shall apply independently of the actual time of usage. If the period of use is specified with a date, the right of use ends on this date – regardless of the actual period of use.

2.4 Rental Floating License

The Licensee shall be granted the non-exclusive right, transferable in accordance with Clause 5.3 and limited in time as stipulated in the Order Data or the CoL (s. "Type of use"), to install the SW on any desired number of the Licensee's hardware devices. The number of objects (for example, users or devices) permitted to utilize the SW at the same time can be derived from the Order Data or CoL (see "Type of Use") as well. If the period of use is specified in hours, the usage decisive for the calculation of the time limit commences with the software start-up and finishes with its shut-down. If the period of usage is specified in days, weeks or months, the specified period, which commences in conjunction with the first SW start-up, shall apply independently of the actual time of usage. If the period of use is specified with a date, the right of use ends on this date – regardless of the actual period of use.

2.5 Demo License

The Licensee shall be granted the non-exclusive right, transferable in accordance with Clause 5.3 and limited in time as stipulated in the Order Data or the CoL (s. "Type of use"), to install the SW in one (1) Instance and to use it for validation purposes. If the period of usage is specified in days, weeks or months, the specified period, which commences in conjunction with the first SW start-up, shall apply independently of the actual time of usage. If the period of use is specified with a date, the right of use ends on this date – regardless of the actual period of use.

2.6 Demo Floating License

The Licensee shall be granted the non-exclusive right, transferable in accordance with Clause 5.3 and limited in time as stipulated in the Order Data or the CoL (s. "Type of use"), to install the SW on any desired number of the Licensee's hardware devices. The number of objects (for example, users or devices) permitted to utilize the SW at the same time can be derived from the Order Data or CoL (see

"Type of Use) as well. If the period of usage is specified in days, weeks or months, the specified period, which commences in conjunction with the first SW start-up, shall apply independently of the actual time of usage. If the period of use is specified with a date, the right of use ends on this date – regardless of the actual period of use.

2.7 Trial License

The Licensee shall be granted the non-exclusive and non-transferable right to install the SW in one (1) Instance and to use it for validation purposes in the manner specified in the Order Data or CoL (see "Type of Use"). The period of usage is limited to 14 days and commences with the SW start-up, unless a different period of usage is specified in the Order Data or CoL.

3. Software Type

If the Software Type is not specified in the Order Data or CoL, the rights specified in Clause 3.2 (Runtime Software) shall apply to the SW.

3.1 Engineering Software (hereinafter referred to as "E-SW")

In the event that the Licensee uses E-SW to generate its own programs or data containing parts of the E-SW, the Licensee shall have the right, without having to pay any license fee, to copy and to use these parts of the E-SW as a part of its own programs or data, or to supply them to third parties for use. In the event that such parts are supplied to third parties for use, these parties shall be bound in writing to comply with stipulations corresponding to those in Clauses 5.1 and 5.2 with respect to the above parts of the E-SW.

3.2 Runtime Software (hereinafter referred to as "R-SW")

If the Licensee incorporates R-SW or any parts thereof into its own programs or data, it shall purchase a license with respect to the R-SW each time it installs or copies - depending on what is done first - its own programs or data containing R-SW or parts thereof, in accordance with the relevant intended Type of Use and on the basis of the Siemens catalog valid at that time. In the event that the Licensee supplies the specified programs or data to third parties for their use, these parties shall be bound in writing to adhere to stipulations corresponding to those in Section 5, with respect to the R-SW parts contained therein. The aforesaid shall not affect the Licensee's obligation to purchase a license for the R-SW if the R-SW original is copied. If the R-SW contains tools for parameterization/configuration and extended rights have been granted in this regard, this will be detailed in the readme file of the R-SW.

4. Upgrade and PowerPack

If it is apparent from the Order Data or CoL, e.g. by the addition "Upgrade" or "PowerPack" after the SW product name, that the SW is an upgrade for another software item (hereinafter referred to as "Source License"), the rights originally granted to the Licensee to use the Source License end in conjunction with the upgrade measure. The rights of use in accordance with Clause 1.6 remain unaffected by this. However, the Licensee is entitled to undo the upgrading (downgrading) - if this is intended from a technical point of view - and to exercise the rights to use the SW granted to it with respect to the Source Version in accordance with Clause 1.5.

5. Further Rights and Duties of the Licensee

5.1 Unless a stipulation to the contrary relating to a specific number of copies is contained on the data medium or in the readme file of the SW, the Licensee may generate an appropriate number of copies of every item of SW which it is authorized to use in accordance with these General License Conditions, where such copies shall be used exclusively for data backup purposes. Furthermore the Licensee may only copy the SW if and insofar as it has been granted copying rights by us in writing.

5.2 The Licensee shall not be entitled to modify, decompile or reverse engineer the SW. Nor may it extract any individual parts unless this is permitted by mandatory copyright law. Furthermore, the Licensee shall not be entitled to remove any alphanumeric identifiers, trademarks or copyright notices from the SW or the data medium and, insofar as it is entitled to make copies of the SW, shall copy them without alteration. The aforementioned regulation shall apply accordingly to the Documentation supplied in accordance with Section 1.

5.3 The Licensee shall be entitled to completely transfer the right to use the SW granted to it to a third party, provided that it concludes a written agreement with the third party in conformance with all of the conditions contained in this Section 5 and on the proviso that it does not retain any copies of the SW. If the Licensee has received a License Key for the SW, this key shall be supplied to the third party together with the SW. Furthermore, the third party shall be submitted the CoL together with these General License Conditions. The Licensee shall submit the CoL received for the SW to us at any time, if requested.

5.4 If the SW is a PowerPack or an Upgrade, the Licensee shall keep the CoL of the Source License and submit it to us at any time, if requested, together with the CoL for the SW. In the event that the Licensee transfers its right to use the PowerPack SW or Upgrade SW in accordance with Clause 5.3, it shall also submit the CoL of the Source License to the third party.

5.5 If the Licensee receives a data medium which, in addition to the SW, contains further software products which are released for use, then it shall have the right to use these released software products exclusively for validation purposes, for a limited period of time and free of charge. The period of use shall be limited to 14 days, commencing with the first start-up of the relevant software program unless a different period is specified e.g. in the readme file of the relevant software product. These software products supplied exclusively for validation purposes shall be governed, mutatis mutandis, by the stipulations contained in these General License Conditions. The Licensee shall not be authorized to pass on these software products separately, i.e. without the SW, to a third party.

The conditions of the purchase contract apply if not otherwise stipulated hereafter for the Open Source Software.

License Conditions and Disclaimers for Open Source Software and other Licensed Software

In the product (Copyright Siemens AG, 2016) the following Open Source Software is used either unchanged or in a form that we have modified, and additionally the other License Software noted below:

You are entitled to use the Open Source Software in accordance with the respective applicable license conditions of the Open Source Software. These Open Source Software license conditions are included in the ReadMe_OSS file and shall have priority over the General Conditions for the respective Open Source Software. The Open Source Software license conditions shall also have priority in the event that they grant you certain rights also in relation to the proprietary components due to the connection of OSS components with proprietary components.

Liability for Open Source Software

Open Source Software is provided free of charge. We are liable for the Product including Open Source Software contained in accordance with the license conditions applicable to the Product. Any liability for use of Open Source Software beyond the program flow intended for the Product is explicitly excluded. Furthermore, any liability for defects resulting from modifications to the Open Source Software by you or third parties is excluded.

We do not provide any technical support for the Product if it has been modified.

Availability of Source Code

Certain license conditions of third-party software components used in this product may require Siemens to provide you with the source code and additional information for such components. If the source code and the information are not provided with the product/software package (e.g. on mass storage, DVD), you can obtain a copy from Siemens against payment of shipping and handling charges. Please send your request to the address stated at the end of this section.

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2.2 Deutsch

Siemens Lizenzbedingungen

Allgemeine Bedingungen zur Überlassung von Software für Automatisierungs- und Antriebstechnik

(2011-08-01)

1. Überlassung der Software an Lizenznehmer und Einräumung von Nutzungsrechten an der Software

1.1 Für die Überlassung von Software für Automatisierungs- und Antriebstechnik durch uns an den Lizenznehmer gelten ausschließlich diese Allgemeinen Bedingungen. Allgemeine Geschäftsbedingungen des Lizenznehmers gelten nur insoweit, als wir ihnen ausdrücklich schriftlich zugestimmt haben. Für den Umfang der Überlassung der Software sind die beiderseitigen übereinstimmenden schriftlichen Erklärungen maßgebend. Wir räumen dem Lizenznehmer Nutzungsrechte an der in der Auftragsbestätigung oder - falls der Lizenznehmer keine Auftragsbestätigung erhält - an der im Certificate of License oder - falls der Lizenznehmer anstelle des Certificate of License einen Softwareproduktschein erhält - an der im Softwareproduktschein genannten Software (nachfolgend "SW" genannt) ein. Das Certificate of License und der Softwareproduktschein werden nachfolgend zusammenfassend "CoL" genannt. Der Lizenznehmer erhält das CoL mit der Überlassung der SW bzw. des Lieferscheins. Die Form der Überlassung der SW ergibt sich ebenfalls direkt aus der Auftragsbestätigung oder aus der in der Auftragsbestätigung enthaltenen Bestellnummer der SW in Verbindung mit den dazugehörigen Bestelldaten unseres zum Zeitpunkt der Auftragsbestätigung gültigen Katalogs (nachfolgend zusammenfassend "Auftragsdaten" genannt) bzw. aus dem CoL. Erhält der Lizenznehmer keinen Datenträger, ist er berechtigt, die bei ihm bereits vorhandene SW in dem zur Ausübung der ihm eingeräumten Nutzungsrechte erforderlichen Umfang zu vervielfältigen. Dies gilt entsprechend bei elektronischer Überlassung der SW (downloading). Soweit in diesen Allgemeinen Bedingungen auf die Auftragsdaten bzw. das CoL verwiesen wird, ist der Verweis auf das CoL dann von Bedeutung, wenn der Lizenznehmer keine Auftragsbestätigung erhält. In jedem Fall sind die in den Auftragsdaten enthaltenen Daten auch im CoL enthalten.

1.2 Die zu der SW gehörende Dokumentation (nachfolgend "Dokumentation" genannt) ist getrennt zu erwerben, es sei denn, es ergibt

sich aus den Auftragsdaten bzw. dem CoL, dass diese zum Lieferumfang gehört. Ist der Lizenznehmer nach Ziffer 1.1 zum Vervielfältigen der SW berechtigt, so gilt dies entsprechend für die Dokumentation, soweit diese zum Lieferumfang gehört.

1.3 Erhält der Lizenznehmer von uns für die SW einen License Key, der zur technischen Freischaltung der SW dient (nachfolgend "License Key" genannt), so ist dieser mit zu installieren.

1.4 Die dem Lizenznehmer an der SW eingeräumten Rechte ergeben sich aus dem Lizenz-Typ (siehe Abschnitt 2) und dem Software-Typ (siehe Abschnitt 3). Lizenz-Typ und Software-Typ ergeben sich aus den Auftragsdaten bzw. aus dem CoL. Erfolgt die Überlassung der SW elektronisch oder durch die Einräumung von Vervielfältigungsrechten, beziehen sich die in diesen Allgemeinen Bedingungen genannten Rechte und Pflichten auf die rechtmäßig erstellten Kopien.

1.5 Ist der Lizenznehmer berechtigt im Besitz einer früheren Version/Release der SW (nachfolgend "Frühere Version" genannt), hat der Lizenznehmer das Recht, die an der SW eingeräumten Nutzungsrechte nach seiner Wahl entweder an der SW oder - soweit dies technisch vorgesehen ist - an der Früheren Version auszuüben (downgrading). Wenn die SW ein Upgrade oder PowerPack gemäß Abschnitt 4 ist, gilt ergänzend Abschnitt 4.

1.6 Sofern in der Readme-Datei der SW unter der Rubrik "Parallele Nutzung" Frühere Versionen aufgeführt sind, hat der Lizenznehmer das Recht, die an der SW eingeräumten Nutzungsrechte alternativ auch an den dort aufgelisteten Früheren Versionen in einer (1) Instanz auszuüben. Lautet die in den Auftragsdaten bzw. im CoL genannte "Art der Nutzung": "Installation" oder "User", so steht dem Lizenznehmer das zuvor beschriebene Recht zusätzlich und gleichzeitig an den dort aufgelisteten Früheren Versionen in einer Instanz zu. Eine "Instanz" im Sinne dieser Allgemeinen Bedingungen ist entweder eine Instanz in einer physischen Betriebssystem-Umgebung oder eine Instanz in einer virtuellen Betriebssystem-Umgebung. Die Übertragbarkeit der Nutzungsrechte an den Früheren Versionen ist nur gemeinsam mit den Nutzungsrechten an der SW gem. Ziffer 5.3 zulässig.

1.7 Ergibt sich aus den Auftragsdaten bzw. dem CoL, dass der Lizenznehmer nur den Datenträger aber keine Lizenz erhält, so ist der Lizenznehmer zur Nutzung der SW erst berechtigt, wenn er eine Lizenz entsprechend Abschnitt 2 erwirbt. Bis zum Erwerb der Lizenz ist der Lizenznehmer auch nicht zur Weitergabe der SW an Dritte berechtigt.

1.8 Soweit die SW Open Source Software oder ähnliche Software Dritter (nachfolgend "OSS" genannt) enthält, ist diese in der Readme_OSS-Datei der SW aufgeführt. Der Lizenznehmer ist berechtigt, die OSS gemäß den jeweils einschlägigen, für die OSS geltenden Lizenzbedingungen zu nutzen. Diese sind auf dem Datenträger, mit dem der Lizenznehmer die SW erhält, enthalten. Für OSS gelten vorrangig vor den vorliegenden Allgemeinen Bedingungen die Lizenzbedingungen, denen die jeweilige OSS unterliegt. Soweit die Lizenzbedingungen für die OSS eine Herausgabe des Quellcodes vorsehen, werden wir diesen auf Verlangen des Lizenznehmers gegen entsprechenden Aufwandsersatz zur Verfügung stellen.

1.9 Die SW kann neben OSS auch andere Lizenzsoftware sein oder enthalten, d. h. Software, die nicht von uns selbst entwickelt wurde, sondern die wir von Dritten (nachfolgend "Lizenzgeber" genannt), z. B. Microsoft Licensing Inc., lizenziert bekommen haben. Erhält der Lizenznehmer in diesem Fall mit der SW in der Readme_OSS-Datei Bedingungen des jeweiligen Lizenzgebers, so gelten diese im Hinblick auf die Haftung des Lizenzgebers dem Lizenznehmer gegenüber. Für unsere Haftung dem Lizenznehmer gegenüber gelten in jedem Fall diese Allgemeinen Bedingungen.

2. Lizenz-Typ

Je nach Lizenz-Typ werden dem Lizenznehmer an der SW die folgenden Rechte eingeräumt:

2.1 Single License (One Off License, Copy License)

Der etwaig im Softwareproduktschein verwendete Begriff One Off License oder Copy License entspricht der Single License. Die folgende Regelung gilt für die One Off License/Copy License voll umfänglich. Der Lizenznehmer erhält das nicht-ausschließliche, zeitlich unbegrenzte, gemäß Ziffer 5.3 übertragbare Recht, die SW in einer (1) Instanz zu installieren und die so installierte SW auf die in den Auftragsdaten bzw. im CoL genannte Art (s. "Art der Nutzung") zu nutzen.

2.2 Floating License

Der Lizenznehmer erhält das nicht-ausschließliche, zeitlich unbegrenzte, gemäß Ziffer 5.3 übertragbare Recht, die SW auf beliebig vielen Geräten des Lizenznehmers zu installieren. Die Anzahl der Objekte (z.B. Benutzer oder Geräte), die die SW zeitgleich benutzen dürfen ergibt sich aus den Auftragsdaten bzw. dem CoL (s. "Art der Nutzung").

2.3 Rental License

Der Lizenznehmer erhält das nicht-ausschließliche, zeitlich gemäß den Auftragsdaten bzw. dem CoL (s. "Art der Nutzung") begrenzte, gemäß Ziffer 5.3 übertragbare Recht, die SW in einer (1) Instanz zu installieren und zu nutzen. Ist die Nutzungsdauer in Stunden angegeben, beginnt die für die Berechnung der zeitlichen Begrenzung maßgebliche Nutzung jeweils mit dem Starten und endet mit dem Schließen der SW. Ist die Nutzungsdauer in Tagen, Wochen oder Monaten angegeben, so gilt der angegebene Zeitraum - beginnend mit dem erstmaligen Starten der SW - unabhängig von der tatsächlichen Nutzung. Ist die Nutzungsdauer mit einem Datum angegeben, endet das Nutzungsrecht mit diesem Datum - unabhängig von der tatsächlichen Nutzung.

2.4 Rental Floating License

Der Lizenznehmer erhält das nicht-ausschließliche, zeitlich gemäß den Auftragsdaten bzw. dem CoL (s. "Art der Nutzung") begrenzte, gemäß Ziffer 5.3 übertragbare Recht, die SW auf beliebig vielen Geräten des Lizenznehmers zu installieren. Die Anzahl der Objekte (z.B. Benutzer oder Geräte), die die SW zeitgleich benutzen dürfen, ergibt sich ebenfalls aus den Auftragsdaten bzw. dem CoL (s. "Art der Nutzung"). Ist die Nutzungsdauer in Stunden angegeben, beginnt die für die Berechnung der zeitlichen Begrenzung maßgebliche Nutzung jeweils mit dem Starten und endet mit dem Schließen der SW. Ist die Nutzungsdauer in Tagen, Wochen oder Monaten angegeben, so gilt der angegebene Zeitraum - beginnend mit dem erstmaligen Starten der SW - unabhängig von der tatsächlichen Nutzung. Ist die Nutzungsdauer mit einem Datum angegeben, endet das Nutzungsrecht mit diesem Datum - unabhängig von der tatsächlichen Nutzung.

2.5 Demo License

Der Lizenznehmer erhält das nicht-ausschließliche, zeitlich gemäß den Auftragsdaten bzw. dem CoL (s. "Art der Nutzung") begrenzte,

gemäß Ziffer 5.3 übertragbare Recht, die SW in einer (1) Instanz zu installieren und zu Validierungszwecken zu nutzen. Ist die Nutzungsdauer in Tagen, Wochen oder Monaten angegeben, so gilt der angegebene Zeitraum – beginnend mit dem erstmaligen Starten der SW – unabhängig von der tatsächlichen Nutzung. Ist die Nutzungsdauer mit einem Datum angegeben, endet das Nutzungsrecht mit diesem Datum - unabhängig von der tatsächlichen Nutzung.

2.6 Demo Floating License

Der Lizenznehmer erhält das nicht-ausschließliche, zeitlich gemäß den Auftragsdaten bzw. dem CoL (s. "Art der Nutzung") begrenzte, gemäß Ziffer 5.3 übertragbare Recht, die SW auf beliebig vielen Geräten des Lizenznehmers zu installieren. Die Anzahl der Objekte (z.B. Benutzer oder Geräte), die die SW zeitgleich zu Validierungszwecken benutzen dürfen, ergibt sich ebenfalls aus den Auftragsdaten bzw. dem CoL (s. "Art der Nutzung"). Ist die Nutzungsdauer in Tagen, Wochen oder Monaten angegeben, so gilt der angegebene Zeitraum – beginnend mit dem erstmaligen Starten der SW – unabhängig von der tatsächlichen Nutzung. Ist die Nutzungsdauer mit einem Datum angegeben, endet das Nutzungsrecht mit diesem Datum - unabhängig von der tatsächlichen Nutzung.

2.7 Trial License

Der Lizenznehmer erhält das nicht-ausschließliche, nicht-übertragbare Recht, die SW in einer (1) Instanz zu installieren und zu Validierungszwecken auf die in den Auftragsdaten bzw. im CoL genannte Art (s. "Art der Nutzung") zu nutzen. Die Nutzungsdauer ist auf 14 Tage - beginnend mit dem erstmaligen Starten der SW - begrenzt, es sei denn, aus den Auftragsdaten bzw. dem CoL ergibt sich eine andere Nutzungsdauer.

3. Software-Typ

Ist der Software-Typ weder in den Auftragsdaten, noch im CoL angegeben, so gelten für die SW die Rechte nach Ziffer 3.2 (Runtime Software).

3.1 Engineering Software (nachfolgend "E-SW" genannt)

Erzeugt der Lizenznehmer mit E-SW eigene Programme oder Daten, die Teile der E-SW enthalten, so hat der Lizenznehmer das lizenzgebührenfreie Recht, diese Teile der E-SW als Bestandteil seiner eigenen Programme oder Daten zu vervielfältigen, zu nutzen oder Dritten zur Nutzung zu überlassen. Bei der Überlassung an Dritte sind diesen hinsichtlich der o.g. Teile der E-SW den Ziffern 5.1. und 5.2. entsprechende Bestimmungen schriftlich aufzuerlegen.

3.2 Runtime Software (nachfolgend "R-SW" genannt)

Bindet der Lizenznehmer R-SW oder Teile davon in eigene Programme oder Daten ein, so muss der Lizenznehmer vor jeder Installation oder Vervielfältigung - je nachdem, was früher erfolgt - der eigenen Programme oder Daten, die R-SW oder Teile davon enthalten, eine Lizenz an der R-SW entsprechend der beabsichtigten Nutzungsart gemäß dem dann gültigen Siemens-Katalog erwerben. Überlässt der Lizenznehmer die genannten Programme oder Daten Dritten zur Nutzung, so sind diesen hinsichtlich der darin enthaltenen Teile der R-SW dem Abschnitt 5 entsprechende Bestimmungen schriftlich aufzuerlegen. Davon unberührt bleibt die Verpflichtung des Lizenznehmers, eine Lizenz an der R-SW zu erwerben, wenn diese im Original vervielfältigt wird. Sofern in der R-SW Tools zur Parametrierung/Konfiguration enthalten und für diese erweiterte Rechte eingeräumt sind, ergibt sich dies aus der Readme-Datei der R-SW.

4. Upgrade und PowerPack

Ergibt sich aus den Auftragsdaten bzw. dem CoL, z.B. durch den Zusatz "Upgrade" oder "PowerPack" beim Produktnamen der SW, dass die SW der Hochrüstung einer anderen Software dient (nachfolgend "Ursprungslizenz" genannt), enden mit der Hochrüstung die dem Lizenznehmer an der Ursprungslizenz ursprünglich eingeräumten Nutzungsrechte. Die Nutzungsrechte gem. Ziffer 1.6 bleiben hiervon unberührt. Der Lizenznehmer ist jedoch berechtigt, jederzeit die Hochrüstung - soweit dies technisch vorgesehen ist - rückgängig zu machen (downgrading) und die ihm eingeräumten Nutzungsrechte an der SW an der Ursprungslizenz in entsprechender Anwendung von Ziffer 1.5 auszuüben.

5. Weitere Rechte und Pflichten des Lizenznehmers

5.1 Wenn auf dem Datenträger oder der Readme-Datei der SW kein gegenteiliger Vermerk über eine bestimmte Anzahl von Kopien enthalten ist, darf der Lizenznehmer von jedem Exemplar der SW, zu dessen Nutzung er nach diesen Allgemeinen Bedingungen berechtigt ist, eine angemessene Anzahl von Kopien anfertigen, die ausschließlich für Datensicherungszwecke verwendet werden dürfen. Im Übrigen darf der Lizenznehmer die SW nur vervielfältigen, wenn und soweit ihm von uns schriftlich Vervielfältigungsrechte eingeräumt sind.

5.2 Der Lizenznehmer darf die SW nicht ändern, nicht zurückentwickeln oder übersetzen und er darf keine Teile herauslösen, soweit dies nicht nach den Bestimmungen des Urheberrechtsgesetzes zwingend erlaubt ist. Der Lizenznehmer darf ferner alpha-numerische Kennungen, Marken und Urheberrechtsvermerke von der SW oder dem Datenträger nicht entfernen und wird sie, soweit er zur Vervielfältigung berechtigt ist, bei dieser unverändert mit vervielfältigen. Die vorstehende Regelung gilt entsprechend für die gemäß Abschnitt 1 überlassene Dokumentation.

5.3 Der Lizenznehmer ist berechtigt, das ihm eingeräumte Nutzungsrecht komplett auf einen Dritten zu übertragen, vorausgesetzt er trifft mit dem Dritten eine schriftliche Vereinbarung, die allen Bestimmungen dieses Abschnitts 5 entspricht und er keine Kopien der SW behält. Hat der Lizenznehmer für die SW einen License Key erhalten, so ist dieser dem Dritten zusammen mit der SW zu überlassen. Ferner ist dem Dritten das CoL zusammen mit diesen Allgemeinen Bedingungen zu übergeben. Der Lizenznehmer wird uns auf unseren Wunsch jederzeit das für die SW erhaltene CoL vorlegen.

5.4 Ist die SW ein PowerPack oder ein Upgrade, wird der Lizenznehmer das CoL der Ursprungslizenz aufbewahren und auf Wunsch von uns jederzeit zusammen mit dem CoL der SW vorlegen. Überträgt der Lizenznehmer sein Nutzungsrecht an der PowerPack SW bzw. Upgrade SW gemäß Ziffer 5.3, wird er dem Dritten auch das CoL der Ursprungslizenz übergeben.

5.5 Erhält der Lizenznehmer einen Datenträger, der neben der SW weitere Software-Produkte enthält, die zur Nutzung freigeschaltet sind, so hat er an diesen freigeschalteten Software-Produkten ein zeitlich begrenztes, unentgeltliches Recht, sie ausschließlich für Validierungszwecke zu nutzen. Die zeitliche Begrenzung beträgt 14 Tage, beginnend mit dem erstmaligen Starten des jeweiligen Software-Programms, soweit nicht, z.B. in der Readme-Datei des jeweiligen Software-Produkts, ein anderer Zeitraum genannt ist. Für diese ausschließlich zu Validierungszwecken überlassenen Software-Produkte gelten die Bestimmungen dieser Allgemeinen Bedingungen entsprechend. Der Lizenznehmer ist nicht berechtigt, diese Software-Produkte getrennt, d.h. ohne die SW an einen Dritten weiterzugeben.

Es gelten die Bedingungen des Kaufvertrags, soweit nachfolgend für die Open Source Software nicht anders geregelt.

Lizenzbedingungen und Haftungsausschlüsse für Open Source Software sowie andere Lizenzsoftware

Im Produkt (Copyright Siemens AG, 2016) kommt die unten aufgelistete Open Source Software in unveränderter oder von uns geänderter Form sowie die unten aufgelistete andere Lizenzsoftware zum Einsatz.

Sie sind berechtigt, die Open Source Software gemäß den jeweils geltenden Open Source Software-Lizenzbedingungen zu nutzen. Diese sind in der LiesMich_OSS-Datei beigelegt und gelten für die jeweilige Open Source Software vorrangig vor den vorliegenden Allgemeinen Bedingungen. Die Open Source Softwarelizenzbedingungen gelten auch vorrangig, soweit diese Ihnen aufgrund der Verbindung von OSS-Komponenten mit proprietären Komponenten bestimmte Rechte auch in Bezug auf die proprietären Komponenten einräumen.

Haftung für Open Source Software

Die Open Source Software wird unentgeltlich überlassen. Wir haften für das Produkt einschließlich der darin enthaltenen Open Source Software entsprechend den für das Produkt gültigen Lizenzbestimmungen. Jegliche Haftung für die Nutzung der Open Source Software über den von uns für das Produkt vorgesehenen Programmablauf hinaus sowie jegliche Haftung für Mängel, die durch Änderungen der Open Source Software verursacht werden, ist ausgeschlossen.

Wir leisten keine technische Unterstützung für das Produkt, wenn dieses geändert wurde.

Verfügbarkeit Source Code

Einige Lizenzbedingungen von in diesem Produkt verwendeten Fremdsoftwarekomponenten verpflichten uns möglicherweise, Ihnen für diese Komponenten den Quelltext und weitere Informationen zur Verfügung zu stellen. Soweit der Quelltext und diese Informationen nicht dem Produkt/Software-Paket beiliegen (z.B. auf Massenspeicher, DVD), können Sie den Quelltext und diese Informationen gerne bei Siemens gegen Erstattung der Bearbeitungskosten anfordern. Bitte wenden Sie sich dafür an die am Ende dieses Abschnitts angegebene Adresse.

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2.3 Français

Conditions de licence Siemens

Conditions générales de licence pour logiciels de systèmes d'automatisation et d'entraînement

(2011-08-01)

1. Cession du logiciel au preneur de licence et concession de droits d'utilisation du logiciel

1.1 Seules les présentes conditions générales sont valables pour la cession de notre part de licences pour logiciels de systèmes d'automatisation et d'entraînement. Les Conditions Générales du preneur de licence ne seront toutefois applicables que dans la mesure où nous les aurons expressément acceptées par écrit. Les déclarations écrites concordantes des deux parties sont déterminantes pour le nombre de licences pour logiciels accordées. Nous concédons au preneur de licence des droits d'utilisation sur le logiciel (dénommé ci-après « SW ») mentionné dans la confirmation de commande ou dans le certificat de licence (si le preneur ne reçoit pas de confirmation de commande) ou sur la carte d'identification du produit logiciel (si le preneur de licence reçoit une carte d'identification du produit logiciel au lieu du certificat de licence). Le certificat de licence et la carte d'identification du produit logiciel sont regroupés ci-après sous la dénomination « CoL ». Le preneur de licence reçoit le CoL à la remise du SW ou du bordereau de livraison. De même, la forme de la cession du SW ressortira directement de la confirmation de commande ou du numéro de commande du SW figurant sur la confirmation de commande en liaison avec les références de commande correspondantes de notre catalogue en vigueur au moment de la confirmation de commande (désignées ci-après en abrégé par « Références de commande »), ou encore du CoL. Si le preneur de licence ne reçoit pas de support de données, il sera en droit de copier le SW déjà en sa possession et ce, dans l'étendue nécessaire à l'exercice des droits d'utilisation qui lui ont été accordés. Cette règle s'appliquera mutatis mutandis en cas de remise du SW par voie électronique (téléchargement). Dans la mesure où les présentes Conditions Générales renvoient aux références de commande ou au CoL, le renvoi au CoL ne sera important que si le preneur de licence ne reçoit pas de confirmation de commande. Dans tous les cas, les données incluses dans les références de commande seront également incluses dans le CoL.

1.2 La documentation associée au SW (appelée par la suite « Documentation ») devra être acquise séparément, sauf s'il est indiqué dans les références de commande ou dans le CoL qu'elle ferait partie intégrante de la livraison. Si le preneur de licence est en droit de copier le SW comme indiqué au paragraphe 1.1, ce droit sera applicable mutatis mutandis à la documentation, si tant est qu'elle fasse partie intégrante de la livraison.

1.3 Si le preneur de licence reçoit de notre part une clé de licence (License Key) servant à la validation technique du logiciel (appelée par la suite « Clé de licence ») pour le SW, il devra l'installer conjointement.

1.4 Les droits concédés sur le SW au preneur de licence découlent du type de licence (voir paragraphe 2) et du type de logiciel (voir paragraphe 3). Le type de licence et le type de logiciel découlent des références de commande ou du CoL. Si la cession du SW a lieu par voie électronique ou par la concession de droits de reproduction, les droits et les obligations cités dans les présentes Conditions Générales s'étendront aux copies exécutées de manière légale.

1.5 Si le preneur de licence détient à juste titre une ancienne version (release) du SW (dénommée ci-après « Version antérieure »), il pourra choisir d'exercer les droits d'utilisation concédés pour le SW soit sur le SW, soit (si tant est que ceci soit techniquement prévu) sur la Version antérieure (downgrading). Si le SW est un Upgrade ou un PowerPack comme indiqué au paragraphe 4, le paragraphe 4 sera applicable en complément.

1.6 Dans la mesure où les versions antérieures figurent dans le fichier Readme du SW sous la rubrique « Utilisation conjointe », le preneur de licence peut également exercer au sein d'une (1) instance les droits d'utilisations concédés pour le SW sur les versions antérieures reprises dans ledit fichier. Si le « type d'utilisation » mentionné dans les références de commande ou dans le CoL s'avère être « Installation » ou « User/Utilisateur », le preneur de licence peut jouir de manière simultanée et complémentaire du droit d'utilisation dont il est question ci-dessus sur les versions antérieures figurant dans ces documents, et ce, au sein d'une instance. Une " Instance " au vu de ces conditions générales représente soit une instance au sein d'un système d'exploitation s'exécutant dans un environnement physique, soit une instance au sein d'un système d'exploitation s'exécutant dans un environnement virtuel. La cessibilité des droits d'utilisation sur les versions antérieures n'est autorisée que conjointement avec les droits d'utilisation sur le SW aux termes du paragraphe 5.3.

1.7 S'il résulte des références de commande ou du CoL que le preneur de licence ne reçoit que le support de données mais aucune licence, le preneur de licence ne sera en droit d'utiliser le SW que s'il fait l'acquisition d'une licence conformément au paragraphe 2. Jusqu'à l'acquisition de ladite licence, le preneur de licence ne sera pas non plus habilité à transférer le SW à des tiers.

1.8 Si le logiciel contient un Open Source Software ou un logiciel tiers similaire (appelé par la suite « OSS »), il figure dans le fichier Readme_OSS du logiciel. Le preneur de licence est autorisé à utiliser l'OSS selon les conditions de licence correspondantes valables pour l'OSS. Elles figurent sur le support de données sur lequel le preneur de licence reçoit le logiciel. Les conditions de licence respectives de l'OSS sont prépondérantes par rapport aux présentes conditions générales. Dans la mesure où les conditions de licence prévoient une impression du code source de l'OSS, nous vous mettrons celui-ci à disposition sur demande du preneur de licence contre rétribution.

1.9 Outre l'OSS, le logiciel peut constituer ou contenir un autre logiciel sous licence, c'est-à-dire un logiciel que nous n'avons pas développé nous-mêmes mais dont nous avons reçu la licence par un tiers (appelé par la suite « Donneur de licence »), par ex. Microsoft Licensing Inc. Le cas échéant, si le preneur de licence reçoit dans le fichier Readme_OSS la licence avec les conditions de logiciel du donneur de licence respectif, celles-ci règlent la responsabilité du donneur de licence vis-à-vis du preneur de licence. Les conditions générales s'appliquent systématiquement pour ce qui est de notre responsabilité vis-à-vis du preneur de licence.

2. Type de licence

Selon le type de la licence, le preneur de licence se voit concéder sur le SW les droits suivants :

2.1 Single License (One Off License, Copy License)

Le terme « One Off License » ou « Copy License » éventuellement utilisé dans la carte d'identification du produit logiciel correspond à la Single License. La disposition suivante est applicable dans toute son étendue à la One Off License/Copy License. Le preneur de licence obtient le droit non exclusif, non limité dans le temps et cessible aux termes du paragraphe 5.3, d'installer le SW dans une (1) instance et d'utiliser le SW ainsi installé de la manière indiquée dans les références de commande ou dans le CoL (voir « Type d'utilisation »).

2.2 Floating License

Le preneur de licence obtient le droit non exclusif, non limité dans le temps et cessible comme indiqué au paragraphe 5.3, d'installer le SW sur un nombre quelconque d'appareils lui appartenant. Le nombre d'objets, par exemple des personnes ou des appareils, autorisés à utiliser simultanément le SW découle des références de commande ou du CoL (voir « Type d'utilisation »).

2.3 Rental License

Le preneur de licence obtient le droit non exclusif, limité dans le temps comme indiqué dans les références de commande ou dans le CoL (voir « Type d'utilisation ») et cessible aux termes du paragraphe 5.3, d'installer et d'utiliser le SW dans une (1) instance. Si la durée d'utilisation est indiquée en heures, l'utilisation déterminante pour le calcul de la limite horaire débutera avec le démarrage et se terminera avec la fermeture du SW. Si la durée d'utilisation est indiquée en jours, en semaines ou en mois, la période indiquée prendra effet à dater du premier démarrage du SW, indépendamment de l'utilisation effective. Si la durée d'utilisation est indiquée par une date, le droit d'utilisation prendra fin à cette date, indépendamment de l'utilisation effective.

2.4 Rental Floating License

Le preneur de licence obtient le droit non exclusif, limité dans le temps comme indiqué dans les références de commande ou dans le CoL (voir « Type d'utilisation ») et cessible aux termes du paragraphe 5.3, d'installer le SW sur un nombre illimité d'appareils appartenant au preneur de licence. Le nombre d'objets, par exemple des personnes ou des appareils, autorisés à utiliser simultanément le SW découle également des références de commande ou du CoL (voir « Type d'utilisation »). Si la durée d'utilisation est indiquée en heures, l'utilisation déterminante pour le calcul de la limite horaire débutera avec le démarrage et se terminera avec la fermeture du SW. Si la durée d'utilisation est indiquée en jours, en semaines ou en mois, la période indiquée prendra effet à dater du premier démarrage du SW, indépendamment de l'utilisation effective. Si la durée d'utilisation est indiquée par une date, le droit d'utilisation prendra fin à cette date, indépendamment de l'utilisation effective.

2.5 Demo License

Le preneur de licence obtient le droit non exclusif, limité dans le temps comme indiqué dans les références de commande ou dans le CoL (voir « Type d'utilisation ») et cessible aux termes du paragraphe 5.3, d'installer et d'utiliser le SW dans une (1) instance à des fins de validation. Si la durée d'utilisation est indiquée en jours, en semaines ou en mois, la période indiquée prendra effet à dater du premier démarrage du SW, indépendamment de l'utilisation effective. Si la durée d'utilisation est indiquée par une date, le droit d'utilisation prendra fin à cette date, indépendamment de l'utilisation effective.

2.6 Demo Floating License

Le preneur de licence obtient le droit non exclusif, limité dans le temps comme indiqué dans les références de commande ou dans le CoL (voir « Type d'utilisation ») et cessible aux termes du paragraphe 5.3, d'installer le SW sur un nombre illimité d'appareils appartenant au preneur de licence. Le nombre d'objets, par exemple des personnes ou des appareils, autorisés à utiliser simultanément le SW à des fins de validation découle également des références de commande ou du CoL (voir « Type d'utilisation »). Si la durée d'utilisation est indiquée en jours, en semaines ou en mois, la période indiquée prendra effet à dater du premier démarrage du SW, indépendamment de l'utilisation effective. Si la durée d'utilisation est indiquée par une date, le droit d'utilisation prendra fin à cette date, indépendamment de l'utilisation effective.

2.7 Trial License

Le preneur de licence obtient le droit non exclusif et non cessible d'installer le SW dans une (1) instance et de l'utiliser à des fins de validation de la manière indiquée dans les références de commande ou dans le CoL (voir « Type d'utilisation »). La durée d'utilisation est limitée à 14 jours à dater du premier démarrage du SW, sauf si une autre durée d'utilisation ressort des références de commande ou du CoL.

3. Type de logiciel

Si le type de logiciel n'est indiqué ni dans les références de commande ni dans le CoL, les droits concernant le SW sont ceux cités au paragraphe 3.2 (Runtime Software).

3.1 Engineering Software (ci-après dénommé « E-SW »)

Si le preneur de licence crée ses propres programmes ou ses propres données incluant des éléments du E-SW, il aura le droit, sans avoir à affranchir de droits de licence, de copier, d'utiliser ou de laisser utiliser par des tiers lesdits éléments du E-SW au titre de partie intégrante de ses propres programmes ou données. En cas de remise à des tiers, il devra imposer à ceux-ci, pour les éléments susvisés du E-SW, des dispositions écrites conformes à celles des paragraphes 5.1 et 5.2.

3.2 Runtime Software (ci-après dénommé « R-SW »)

Si le preneur de licence intègre le R-SW ou des éléments du R-SW dans ses propres programmes ou données, il devra, avant toute installation ou copie (selon l'ordre chronologique) de ses propres programmes ou données incluant le R-SW ou des éléments du R-SW, acquérir une licence sur le R-SW en fonction du type d'utilisation prévu, conformément au catalogue Siemens alors en vigueur. Si le preneur de licence remet lesdits programmes ou données à des tiers à des fins d'utilisation, il devra imposer à ceux-ci, pour les éléments susvisés du R-SW, des dispositions écrites conformes à celles du paragraphe 5. L'obligation du preneur de licence d'acquérir une licence pour le R-SW en cas de copie de l'original n'en sera pas affectée. Dans la mesure où des outils de paramétrage ou de configuration sont inclus dans le R-SW et où ceux-ci bénéficient de droits élargis, ceci est signalé dans le fichier Readme du R-SW.

4. Upgrade et PowerPack

S'il ressort des références de commande ou du CoL, par exemple du fait de l'ajout de la mention « Upgrade » ou « Powerpack » au nom de produit du SW, que le SW sert à la mise à niveau d'un autre logiciel (dénommé ci-après " Licence d'origine "), la mise à niveau met fin

aux droits d'utilisation concédés initialement au preneur de licence sur la licence d'origine. Les droits d'utilisation aux termes du paragraphe 1.6 n'en sont pas affectés. Le preneur de licence sera toutefois en droit de ramener la mise à niveau à la version antérieure (downgrading), si tant est que ceci soit techniquement prévu, et d'exercer sur la licence d'origine les droits d'utilisation qui lui auront été concédés sur le SW en application mutatis mutandis du paragraphe 1.5.

5. Autres droits et devoirs du preneur de licence

5.1 Sauf indication contraire figurant sur le support de données ou le fichier Readme du SW qui limiterait le nombre de copies, le preneur de licence sera autorisé à faire un nombre raisonnable de copies de chaque exemplaire du SW pour lequel il dispose d'un droit d'utilisation aux termes des présentes Conditions Générales, ces copies étant exclusivement réservées aux fins de sauvegarde des données. Par ailleurs, le preneur de licence ne pourra copier le SW que si et dans la mesure où nous lui aurons octroyé par écrit des droits de reproduction.

5.2 Le preneur de licence n'est pas autorisé à modifier le SW, ni à le rétroconcevoir, ni à le traduire, ni à en détacher aucun élément, si tant est que ceci ne soit pas obligatoirement permis aux termes de la législation sur les droits d'auteur. D'autre part, le preneur de licence n'est autorisé à supprimer aucun repère alphanumérique, aucune marque, ni aucune mention de copyright apposés sur le SW ou sur le support de données. S'il bénéficie du droit de reproduction, il devra impérativement copier ces éléments conjointement sans les modifier. La disposition susvisée s'appliquera mutatis mutandis à la documentation remise conformément au paragraphe 1.

5.3 Le preneur de licence sera en droit de transférer intégralement à un tiers le droit d'utilisation qui lui a été octroyé, à condition de conclure avec ledit tiers un accord écrit conforme à toutes les dispositions du présent article 5 et de ne conserver aucune copie du SW. Si le preneur de licence a reçu une License Key, celle-ci sera remise au tiers conjointement au SW. D'autre part, le CoL sera remis au tiers, accompagné des présentes Conditions Générales. À notre demande, le preneur de licence nous présentera à tout moment le CoL obtenu pour le SW.

5.4 Si le SW est un PowerPack ou un Upgrade, le preneur de licence conservera le Certificat de licence ou la carte d'identification du produit logiciel de la licence d'origine, qu'il nous présentera à tout moment sur notre demande, accompagné(e) du CoL du SW. Si le preneur de licence transfère à un tiers son droit d'utilisation sur le PowerPack SW ou sur l'Upgrade SW aux termes du paragraphe 5.3, il remettra également au tiers le Certificat de licence ou la carte d'identification du produit logiciel de la licence d'origine.

5.5 Si le preneur de licence reçoit un support de données contenant, outre le SW, d'autres produits logiciels activés pour l'utilisation, il disposera d'un droit gratuit et limité dans le temps d'utiliser lesdits produits logiciels activés et ce, uniquement à des fins de validation. La durée d'utilisation est limitée à 14 jours, à dater du premier démarrage du programme logiciel concerné si tant est qu'un autre laps de temps ne figure pas, par exemple, dans le fichier Readme du produit en question. Les dispositions des présentes Conditions Générales s'appliqueront mutatis mutandis auxdits produits logiciels remis exclusivement à des fins de validation. Le preneur de licence n'est pas autorisé à transférer ces produits logiciels à des tiers sous forme séparée, c.-à-d. sans le SW.

Les conditions du contrat de vente sont, par ailleurs, réputées applicables.

Conditions de licence et clause de non-responsabilité des logiciels Open Source et autres logiciels sous licence

Le produit (Copyright Siemens AG, 2016) met en œuvre les logiciels Open Source listés ci-dessous, inchangés ou modifiés par nos soins, ainsi que les autres logiciels sous licence listés ci-dessous.

Vous êtes en droit d'utiliser le logiciel ouvert conformément aux conditions de licence actuellement en vigueur du logiciel ouvert. Celles-ci figurent dans le fichier Lisezmoi_OSS et priment, pour le logiciel ouvert sur les présentes Conditions générales. Les conditions de licence du logiciel ouvert sont également prioritaires si elles vous accordent certains droits sur des constituants brevetés du fait de la connexion des constituants OSS avec des constituants brevetés.

Responsabilité pour les logiciels Open Source

Les logiciels Open Source sont mis à disposition gratuitement. Nous assumons la responsabilité pour le produit ainsi que pour les logiciels Open Source qu'il contient, dans les limites des dispositions de licence applicables au produit. Nous déclinons toute responsabilité en cas d'utilisation des logiciels Open Source hors du cadre d'exécution du programme que nous avons prévu pour le produit ainsi que toute responsabilité pour les vices qui résulteraient d'une modification des logiciels Open Source.

Nous ne fournissons aucune assistance technique pour le produit si ce dernier a été modifié.

Disponibilité du code source

Certaines conditions de licence de constituants logiciels tiers utilisés dans ce produit pourraient nous obliger à vous remettre le code source et d'autres informations de ces constituants. Si ces informations ne sont pas fournies le produit/pack logiciel i (par exemple sur sa mémoire de masse ou sur un DVD), Siemens vous enverra volontiers ces informations contre remboursement des frais de traitement. Dans ce cas, veuillez-vous adresser à l'adresse figurant à la fin de la présente section.

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300 Applewood Crescent
Concord, Ontario, Canada, L4K 5C7
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2.4 Español

Términos de licencia de Siemens

Condiciones Generales para la Cesión de Software de Automatización y Accionamientos

(2011-08-01)

1. Cesión del software al titular de una licencia y otorgamiento de derechos de uso del software

1.1 Para la cesión por nuestra parte de software de automatización y accionamientos al titular de la licencia son aplicables únicamente estas condiciones generales. Las Condiciones Generales de Contrato del titular de una licencia regirán solamente en caso de que las hayamos aceptado expresamente por escrito. En lo referente al alcance de la cesión del software son determinantes las aclaraciones escritas y acordadas por ambas partes. Otorgamos al titular de la licencia derechos de uso del software (en adelante "SW") especificado en la confirmación del pedido o -si el titular de la licencia no ha recibido ninguna- en el Certificate of License o en el comprobante de producto -si el titular de la licencia recibe tal comprobante en lugar de un Certificate of License. El Certificate of License y el comprobante de producto de software se resumen en adelante con la abreviatura "CoL". El titular de la licencia recibirá el CoL al serle entregado el SW y/o el talón (nota, albarán) de entrega. La modalidad de cesión del SW resulta también en forma inmediata de la confirmación del pedido o de la referencia del SW consignado en la confirmación del pedido en conexión con los datos de pedido pertinentes que provienen de nuestro catálogo vigente al confirmarse el pedido (resumidos en adelante como "Datos del pedido") y/o del CoL. Si el titular de la licencia no recibe ningún soporte de datos, tendrá derecho a copiar el SW que ya obra en su poder en la medida necesaria para ejercer los derechos de uso que se le han otorgado. Lo mismo rige por analogía para la cesión del SW por vía electrónica (downloading). Siempre que en las presentes Condiciones Generales de Contrato se haga referencia a los datos del pedido o al CoL, la referencia al CoL será relevante en caso de que el titular de la licencia no reciba una confirmación del pedido. En cualquier caso, los datos incluidos en los datos del pedido lo están igualmente en el CoL.

1.2 La documentación perteneciente al SW (en adelante "documentación") deberá adquirirse por separado, salvo que los datos del pedido o el CoL indiquen que la misma forma parte del volumen de suministro. En caso de que el titular de la licencia definido en el apartado 1.1 esté autorizado a copiar el SW, podrá hacer lo mismo con la documentación siempre que ésta forme parte del volumen de suministro.

1.3 Si el titular de la licencia recibe de nuestra parte una License Key (clave de licencia) para el SW para la validación técnica del SW (en adelante "License Key"), será imprescindible instalar esta última junto con los demás componentes.

1.4 Los derechos sobre el SW otorgados al titular de la licencia se desprenden del tipo de licencia (véase el apartado 2) y del tipo de software (ver apartado 3). El tipo de licencia y el tipo de software se desprenden de los datos del pedido o del CoL. En caso de que la cesión del SW se efectúe por vía electrónica o por concesión de derechos de copia, los derechos y obligaciones consignados en estas Condiciones Generales de Contrato se referirán a las copias realizadas legítimamente.

1.5 Si el titular de la licencia tiene en su poder una versión/release anterior del SW (en adelante "Versión anterior"), el titular de la licencia tendrá derecho a ejercer los derechos de uso otorgados para el SW optando por hacerlo o bien con el SW o con la versión anterior (downgrading), si ello estuviera técnicamente previsto. Si el SW es un Upgrade o un PowerPack de conformidad con lo estipulado en el apartado 4, se aplicará el apartado 4.

1.6 Si bajo la rúbrica "Uso paralelo" del archivo Léame del SW se indican versiones anteriores, el titular de la licencia tendrá derecho a ejercer los derechos de uso otorgados para el SW opcionalmente sobre las versiones anteriores indicadas allí en una (1) instancia. Si la "Modalidad de uso" mencionada en los datos del pedido o en el CoL ES fuera "Installation" o "User", el titular podrá ejercer además el derecho anteriormente descrito simultáneamente sobre las versiones anteriores ahí listadas en una instancia. En el sentido de las Condiciones Generales, una "instancia" es o bien una instancia en un entorno de sistema operativo físico, o bien una instancia en un entorno de sistema operativo virtual. La posibilidad de transferir los derechos de uso a las versiones anteriores sólo está permitida junto con los derechos de uso otorgados para el SW según lo estipulado en el apartado 5.3.

1.7 Si de los datos del pedido o el CoL se desprende que el titular de la licencia recibirá sólo el soporte de datos desprovisto de licencia, el titular quedará facultado para usar el SW sólo en caso de adquirir una licencia tal y como lo estipula el apartado 2. Mientras no adquiera la licencia, el titular de la licencia tampoco tendrá derecho a transmitir el SW a terceros.

1.8 Si el SW contiene Open Source Software o un software similar de terceros (en adelante "OSS"), éste aparecerá especificado en el archivo Readme_OSS del SW. El titular de la licencia podrá utilizar el OSS dentro de las condiciones de licencia pertinentes y vigentes para el OSS. Dichas condiciones están recogidas en el soporte de datos en el que el titular de la licencia recibe el SW. Para OSS rigen en primera instancia las condiciones de la licencia aplicables al OSS en cuestión, que tendrán prioridad ante las presentes Condiciones Generales. Si las condiciones de licencia del OSS incluyen la entrega del código fuente, lo pondremos a disposición del titular a cambio

del correspondiente importe cuando éste lo solicite.

1.9 Además de OSS, el SW puede ser o contener otro software con licencia, es decir, software que no haya sido desarrollado por nosotros, sino que hayamos recibido de terceros (en adelante "concesor"), como p. ej. Microsoft Licensing Inc., bajo la correspondiente licencia. En ese caso, si el titular recibe con el SW condiciones del correspondiente concesor en el archivo Readme_OSS, éstas se aplicarán en lo que respecta a la responsabilidad del concesor frente al titular. En cuanto a nuestra responsabilidad frente al titular de la licencia, rigen en cualquier caso las presentes Condiciones Generales.

2. Tipo de licencia

Según el tipo de licencia, al titular de la misma se le otorgarán los siguientes derechos sobre el SW:

2.1 Single License (One Off License, Copy License)

Los términos One Off License o Copy License que pudieran figurar en el certificado de producto de software equivalen a la Single License. La siguiente regulación rige en toda su extensión para la One Off License/Copy License. El titular de la licencia obtendrá el derecho no exclusivo y de duración ilimitada que se estipula en el apartado 5.3 para instalar el SW en una (1) instancia y utilizar el SW así instalado del modo especificado en los datos del pedido o en el CoL (v. "Modalidad de uso").

2.2 Floating License

El titular de la licencia obtiene el derecho no exclusivo, de duración ilimitada y transferible conforme al apartado 5.3 para instalar el SW en cualquier cantidad de equipos de su propiedad. El número de objetos (p. ej. usuarios o equipos) facultados para usar el SW al mismo tiempo se desprende de los datos del pedido o del CoL (v. "Modalidad de uso").

2.3 Rental License

El titular de la licencia obtiene el derecho no exclusivo, de duración limitada c los datos del pedido o del CoL (v. "Modalidad de uso") y transferible de conformidad con el apartado 5.3 de instalar y utilizar el SW en un (1) equipo. Si la duración del uso se especifica en horas, el uso determinante para calcular el tiempo limitado empezará a contar siempre con el inicio del SW y termina con su finalización. Si la duración del uso se especifica en días, semanas o meses, el período indicado empezará a contarse desde el primer inicio del SW, independientemente del uso efectivo de este último. Si la duración del uso se especifica con una fecha, el derecho de uso finalizará en esta fecha, independientemente del uso efectivo.

2.4 Rental Floating License

El titular de la licencia obtiene el derecho no exclusivo, de duración limitada conforme a los datos del pedido o al CoL (v. "Modalidad de uso") y transferible de conformidad con el apartado 5.3, de instalar el SW en cualquier cantidad de equipos del titular. El número de objetos (p. ej. usuarios o equipos) facultados para usar el software al mismo tiempo se desprende asimismo de los datos del pedido o del CoL (v. "Modalidad de uso"). Si la duración de uso se especifica en horas, el uso determinante para calcular el plazo limitado se empieza a contar desde el inicio del SW y finaliza al cerrar el SW. Si la duración de uso se especifica en días, semanas o meses, el período indicado se aplicará, empezando a contar desde el primer inicio del SW, independientemente del uso efectivo. Si la duración de uso se especifica con una fecha, el derecho de uso finalizará en esta fecha, independientemente del uso efectivo.

2.5 Demo License

El titular de la licencia obtiene el derecho no exclusivo, de duración limitada conforme a los datos del pedido o al CoL (v. "Modalidad de uso") y transferible de conformidad con el apartado 5.3, de utilizar el SW en una (1) instancia y para fines de validación. Si la duración de uso se especifica en días, semanas o meses, el período indicado se aplicará, empezando a contar desde el primer inicio del SW, independientemente del uso efectivo. Si la duración de uso se especifica con una fecha, el derecho de uso finalizará en esta fecha, independientemente del uso efectivo.

2.6 Demo Floating License

El titular de la licencia obtiene el derecho no exclusivo, de duración limitada conforme a los datos del pedido o al CoL (v. "Modalidad de uso") y transferible de conformidad con el apartado 5.3, de instalar el SW en cualquier cantidad de equipos del titular. El número de objetos (p. ej. usuarios o equipos) facultados para usar el SW al mismo tiempo para fines de validación, se desprende asimismo de los datos del pedido o del CoL (v. "Modalidad de uso"). Si la duración de uso se especifica en días, semanas o meses, el período indicado se aplicará, empezando a contar desde el primer inicio del SW, independientemente del uso efectivo. Si la duración de uso se especifica con una fecha, el derecho de uso finalizará en esta fecha, independientemente del uso efectivo.

2.7 Trial License

El titular de la licencia obtiene el derecho no exclusivo y no transferible de instalar el SW en una (1) instancia y de utilizar el SW así instalado con fines de validación tal y como lo especifican los datos del pedido o del CoL (v. "Modalidad de uso"). La duración del uso se limita a 14 días empezando por la primera inicialización del SW, salvo que los datos del pedido o el CoL especifiquen una duración distinta.

3. Tipo de software

Si el tipo de software no está especificado ni en los datos del pedido ni en el CoL, los derechos vigentes para el SW serán los que figuran en el apartado 3.2 (Runtime Software).

3.1 Engineering Software (en adelante "E-SW")

Si el titular de una licencia genera con el E-SW programas o datos propios que incluyen componentes del E-SW, tendrá el derecho exento de regalías o cánones a copiar esos componentes como parte integrante de sus propios programas o datos, a utilizarlos o a cederlos a terceros para su utilización. Al efectuar la cesión a terceros es imprescindible imponerles por escrito las disposiciones de los apartados 5.1 y 5.2 en relación con los citados componentes del E-SW.

3.2 Runtime Software (en adelante "R-SW")

En caso de integrar el R-SW completo o en parte a sus propios programas o datos, el titular de la licencia deberá adquirir una licencia para el R-SW conforme a la modalidad de uso prevista y al catálogo Siemens vigente en ese momento. La adquisición la efectuará antes de cada instalación o copiado -según lo que haga primero- de sus programas o datos propios que contengan el R-SW completo o en parte. En caso de que el titular de la licencia ceda los citados programas o datos a terceros para su utilización, deberá imponer por escrito las disposiciones incluidas en el apartado 5 con respecto a los componentes incorporados del R-SW. Esto no invalida la obligación del titular de la licencia de adquirir una licencia para el R-SW en caso de que éste sea copiado en su versión original. En caso de que el R-SW contenga herramientas de parametrización o configuración y para los que se haya otorgado derechos suplementarios, la información respectiva figura en el archivo Léame del R-SW.

4. Upgrade y PowerPack

Si de los datos del pedido o del CoL se desprende, p. ej. por el indicativo "Upgrade" o "Power Pack" junto al nombre del producto del SW, que el SW sirve para ampliar las características de otro software (en adelante "Licencia de origen"), los derechos de uso de la licencia de origen concedidos previamente al titular expirarán con la ampliación. Los derechos de uso concedidos de conformidad con el apartado 1.6 no se ven afectados. El titular de la licencia, no obstante, está facultado para anular la ampliación en cualquier momento (downgrading) -si tal cosa está prevista técnicamente hablando- y ejercer los derechos de uso del SW a él concedidos sobre la licencia de origen análogamente a lo estipulado en el apartado 1.5.

5. Demás derechos y obligaciones del titular de la licencia

5.1 En caso de que el soporte de datos o el archivo Léame del SW no estipulen un número determinado de copias, el titular de la licencia podrá sacar un número prudencial de copias de cada ejemplar del SW cuyo uso le estuviera permitido por estas Condiciones Generales, copias que servirán exclusivamente para asegurar los datos. Por lo demás, el titular de la licencia sólo podrá copiar el SW en caso de que le hubiéramos concedido los derechos pertinentes por escrito.

5.2 El titular de la licencia no deberá modificar el SW, decompilarlo ni aplicarle ingeniería inversa ni traducirlo ni separar sus componentes salvo que lo permita la Ley de derechos de autor. El titular de la licencia tampoco debe quitar códigos alfanuméricos, marcas o notas de propiedad del SW o del soporte de datos y si está autorizado a copiar el SW, deberá copiar también esos componentes sin alteración alguna. La regulación antedicha vale por analogía para la documentación cedida de conformidad con el apartado 1.

5.3 El titular de la licencia está facultado para transferir en su totalidad a un tercero el derecho de uso que se le ha concedido, siempre que suscriba con éste un acuerdo escrito que recoja todas las disposiciones del apartado 5 y que conserve en su poder una copia del SW. Si el titular de la licencia ha recibido una License Key para el SW, tendrá que cederla al tercero junto con el SW. El tercero ha de recibir también el CoL junto con las presentes Condiciones Generales. El titular de la licencia nos ha de presentar el CoL recibido en relación con el SW siempre que lo solicitemos.

5.4 En caso de que el SW sea un PowerPack o un Upgrade, el titular de la licencia ha de guardar el Certificate of License o el certificado de producto de software de la licencia de origen, para poder presentarlos junto al CoL del SW cuando Siemens se lo exija. Si el titular de la licencia transfiere su derecho de uso al PowerPack SW o Upgrade SW conforme al apartado 5.3, cederá también al tercero el Certificate of License o el certificado de producto de software de la licencia de origen.

5.5 En caso de que el titular de la licencia reciba un soporte de datos conteniendo no sólo el SW sino otros productos de software liberados para su uso, tendrá derecho gratuito y de duración limitada para utilizar estos últimos con fines de validación exclusivamente. La limitación será de 14 días contados desde la primera inicialización del programa correspondiente al software a no ser que, p. ej., el archivo Léame del mismo especifique un plazo diferente. Para estos productos cedidos exclusivamente con fines de validación registrarán por analogía las estipulaciones de estas Condiciones Generales. El titular de la licencia no tiene permiso para pasar a un tercero estos productos de software separados del SW.

Por lo demás, rigen las condiciones del contrato de compra.

Términos de licencia y exclusión de responsabilidades del software de código abierto y demás software de licencia

En el producto (Copyright Siemens AG, 2016) se aplica el software de código abierto, ya sea sin modificar o modificado por nosotros, y el software de licencia expuestos más abajo.

El usuario está autorizado a utilizar el software de código abierto según las condiciones de licencia válidas para software de código abierto. Dichas condiciones están incluidas en el archivo Léame_OSS y tienen preferencia ante las presentes condiciones generales para el software de código abierto correspondiente. Las condiciones de licencia para software de código abierto también tienen preferencia en tanto que estas le concedan determinados derechos, también en relación a los componentes propietarios, debido a la conexión de componentes OSS con componentes propietarios.

Responsabilidad por el software de código abierto

El software de código abierto se entrega de forma gratuita. Nosotros nos responsabilizamos del producto, incluido el software de código abierto que contenga, conforme a los términos de licencia vigentes para el producto. Queda excluida toda responsabilidad por el uso del software de código abierto más allá de la ejecución del programa prevista por nosotros para el producto, así como cualquier responsabilidad relacionada con los fallos que se puedan derivar de una modificación del software de código abierto.

Igualmente queda excluido cualquier soporte técnico del producto en aquellos casos en los que éste haya sido modificado.

Disponibilidad del código fuente

De determinadas condiciones de licencia de componentes de software de terceros usados en este producto puede deducirse la obligación de entregar el código fuente y más información para estos componentes. En caso que el código fuente y dicha información no se entregaran con el producto o paquete de software (por ejemplo en su memoria de masa o en DVD), puede solicitar tal información a Siemens contra el pago de los gastos de envío y tramitación. Para solicitarla deberá dirigirse a la dirección que figura al final de la presente sección.

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2.5 Italiano

Condizioni di licenza Siemens

Condizioni generali per la cessione di prodotti software per la tecnica di automazione e di azionamento

(2011-08-01)

1. Cessione di prodotti software a licenziatari e conferimento dei diritti di utilizzo del software

1.1 Per la cessione da parte nostra di prodotti software per la tecnica di automazione e di azionamento al licenziatario valgono esclusivamente queste condizioni generali. Le condizioni generali del licenziatario valgono solamente se noi le abbiamo espressamente approvate in forma scritta. Ai fini dell'entità delle condizioni di cessione del software sono determinanti le dichiarazioni concordate in forma scritta di entrambe le parti. Noi conferiamo al licenziatario i diritti di utilizzo del software (in seguito denominato "SW") specificato nella conferma d'ordine o - se il licenziatario non riceve alcuna conferma d'ordine - nel Certificate of License oppure, se il licenziatario al posto del Certificate of License riceve un certificato di prodotto software, nel certificato di prodotto software. Il Certificate of License e il certificato di prodotto software sono in seguito denominati insieme "CoL". Il licenziatario riceve il CoL con la cessione del SW e del documento di consegna. La modalità di cessione del SW risulta comunque direttamente dalla conferma d'ordine o dal numero di ordinazione del SW riportato nella conferma d'ordine correlato ai rispettivi dati per l'ordinazione (in seguito denominati "dati d'ordine") del nostro catalogo valido al momento della conferma d'ordine e dal CoL. Se il licenziatario non riceve alcun supporto dei dati, egli è autorizzato a riprodurre il SW già in suo possesso nella misura necessaria consentita dai diritti di utilizzo conferiti. Ciò vale parimenti per la cessione elettronica del software (downloading). Finché in queste condizioni generali si fa riferimento ai dati d'ordine e al CoL, questo riferimento ha significato se il licenziatario non riceve alcuna conferma d'ordine. In ogni caso i dati riportati nei dati d'ordine sono anche riportati nel CoL.

1.2 La documentazione relativa al SW (in seguito denominata "documentazione") va richiesta separatamente a meno che dai dati d'ordine e dal CoL non risulti che questa fa parte della configurazione di fornitura. Se il licenziatario è autorizzato, secondo quanto indicato al paragrafo 1.1, alla riproduzione del software, ciò vale anche per la documentazione sempreché questa faccia parte della configurazione di fornitura.

1.3 Se il licenziatario riceve da noi per il SW una License Key che permette l'abilitazione tecnica del SW (in seguito denominata "License Key"), questa va installata insieme con il SW.

1.4 I diritti di utilizzo del SW conferiti al licenziatario risultano dal tipo di licenza (vedi paragrafo 2) e dal tipo di SW (vedi paragrafo 3). Tipo di licenza e tipo di SW risultano dai dati d'ordine e dal CoL. Se la cessione del SW avviene elettronicamente oppure mediante conferimento di diritti di riproduzione, i diritti e gli obblighi definiti in queste "Condizioni generali" si riferiscono alle copie legalmente prodotte.

1.5 Se il licenziatario è regolarmente in possesso di una versione/release del SW precedente (in seguito denominata "versione

precedente"), egli ha facoltà di esercitare i diritti di utilizzo a scelta o del SW attuale o - finché tecnicamente possibile - della versione precedente (downgrading). Se il SW è un Upgrade o un PowerPack secondo il paragrafo 4, vale inoltre quanto indicato in questo paragrafo.

1.6 Se nella rubrica "Uso parallelo" del file Leggimi del SW vengono indicate versioni precedenti, il licenziatario ha il diritto di esercitare i diritti di utilizzo per il SW opzionalmente con le versioni precedenti indicate in una (1) istanza. Se la "Type of use" citata nei dati d'ordine e nel CoL è "Installation" o "User" il licenziatario può esercitare il diritto descritto precedentemente e simultaneamente nelle versioni precedenti elencate in una istanza. In queste condizioni generali un'"Istanza" è o un'istanza in un ambiente di sistema operativo fisico, o un'istanza in un ambiente di sistema operativo virtuale. La possibilità di trasferire i diritti di utilizzo nelle versioni precedenti è concesso solo comunemente ai diritti di utilizzo nel SW secondo il paragrafo 5.3.

1.7 Se dai dati d'ordine e dal CoL risulta che il licenziatario ha solo il supporto dei dati ma nessuna licenza, il licenziatario è autorizzato all'utilizzo del SW solamente se egli ottiene una licenza secondo il paragrafo 2. Fino all'entrata in possesso della licenza il licenziatario non è neppure autorizzato al trasferimento del SW a terzi.

1.8 Se il SW contiene "Open Source Software" o software analogo di terzi (in seguito denominato "OSS") quest'ultimo viene indicato nel file Readme_OSS del SW. Il licenziatario è autorizzato a utilizzare l'OSS secondo le rispettive condizioni di licenza valide per l'OSS. Queste sono contenute nel supporto dati con il quale il licenziatario riceve il SW. Le condizioni di licenza specifiche dell'OSS hanno priorità rispetto alle presenti condizioni generali. Se le condizioni di licenza dell'OSS prevedono la fornitura del codice sorgente, lo metteremo a disposizione su richiesta del licenziatario dietro un adeguato rimborso spese.

1.9 Oltre a OSS, il SW può essere o contenere anche altri software di licenza, ossia software che non è stato sviluppato da noi ma che abbiamo ottenuto in licenza da terzi (in seguito denominati "fornitori di licenza"), ad es. Microsoft Licensing Inc. Se in questo caso il licenziatario riceve con il SW nel file Readme_OSS le condizioni del rispettivo fornitore, tali condizioni valgono per la responsabilità del fornitore di licenza verso il licenziatario. Per quanto concerne la nostra responsabilità verso il licenziatario valgono in ogni caso le presenti condizioni generali.

2. Tipo di licenza

A seconda del tipo di licenza sono conferiti al destinatario i seguenti diritti di utilizzo del SW:

2.1 Single License (One Off License, Copy License)

Il concetto utilizzato nel certificato di prodotto software "One Off License, Copy License" corrisponde alla Single License. Il seguente regolamento vale in senso lato per la One Off License/Copy License. Il licenziatario riceve il diritto non esclusivo e illimitato nel tempo - trasferibile secondo il paragrafo 5.3 - di installare il SW in una (1) istanza e di utilizzare il SW così installato nel modo indicato nei dati d'ordine e nel CoL (vedi "Type of use").

2.2 Floating License

Il licenziatario riceve il diritto non esclusivo e illimitato nel tempo - trasferibile secondo il paragrafo 5.3 - di installare il SW su tutte le proprie apparecchiature a piacere. Il numero di oggetti (ad es. utenti o apparecchiature) che possono utilizzare il SW contemporaneamente risulta dai dati d'ordine e dal CoL (vedi "Type of use").

2.3 Rental License

Il licenziatario riceve il diritto non esclusivo e limitato nel tempo secondo i dati d'ordine ed il CoL (vedi "Type of use") - trasferibile secondo il paragrafo 5.3 - di installare il SW su una (1) apparecchiatura e di utilizzarlo. Se la durata di utilizzo è data in ore, il conteggio del tempo di utilizzo inizia con lo start del SW e finisce con la relativa chiusura. Se la durata di utilizzo è data in giorni, settimane o mesi, il conteggio del tempo di utilizzo inizia con il primo start del SW e prosegue indipendentemente dal tempo di utilizzo effettivo. Se la durata di utilizzo è specificata con un data, il diritto di utilizzo finisce con questa data, indipendentemente dall'utilizzo effettivo.

2.4 Rental Floating License

Il licenziatario riceve il diritto non esclusivo, di durata limitata conforme ai dati d'ordine o al CoL (vedi "Type of use") e trasferibile secondo il paragrafo 5.3, di installare il SW in qualsiasi numero di apparecchiature del licenziatario. Il numero di oggetti (ad es. utenti o apparecchiature) che possono utilizzare il SW contemporaneamente risulta anche dai dati d'ordine e dal CoL (vedi "Type of use"). Se la durata di utilizzo è data in ore, il conteggio del tempo di utilizzo inizia con lo start del SW e finisce con la relativa chiusura. Se la durata di utilizzo è data in giorni, settimane o mesi, il conteggio del tempo di utilizzo inizia con il primo start del SW e prosegue indipendentemente dal tempo di utilizzo effettivo. Se la durata di utilizzo è specificata con un data, il diritto di utilizzo finisce con questa data, indipendentemente dall'utilizzo effettivo.

2.5 Demo License

Il licenziatario riceve il diritto non esclusivo, di durata limitata conforme ai dati d'ordine o al CoL (vedi "Type of use") e trasferibile secondo il paragrafo 5.3, di installare il SW in una (1) istanza e di utilizzarlo a scopo di validazione. Se la durata di utilizzo è data in giorni, settimane o mesi, il conteggio del tempo di utilizzo inizia con il primo start del SW e prosegue indipendentemente dal tempo di utilizzo effettivo. Se la durata di utilizzo è specificata con un data, il diritto di utilizzo finisce con questa data, indipendentemente dall'utilizzo effettivo.

2.6 Demo Floating License

Il licenziatario riceve il diritto non esclusivo, di durata limitata conforme ai dati d'ordine o al CoL (vedi "Type of use") e trasferibile secondo il paragrafo 5.3, di installare il SW in qualsiasi numero di apparecchiature del licenziatario. Il numero di oggetti (ad es. utenti o apparecchiature) che possono utilizzare il SW contemporaneamente a scopo di validazione risulta anche dai dati d'ordine e dal CoL (vedi "Type of use"). Se la durata di utilizzo è data in giorni, settimane o mesi, il conteggio del tempo di utilizzo inizia con il primo start del SW e prosegue indipendentemente dal tempo di utilizzo effettivo. Se la durata di utilizzo è specificata con un data, il diritto di utilizzo finisce con

questa data, indipendentemente dall'utilizzo effettivo.

2.7 Trial License

Il licenziatario riceve il diritto non esclusivo e non trasferibile di installare il SW in una (1) istanza e di utilizzarlo a scopi di valutazione nel modo specificato nei dati d'ordine risp. nel CoL (vedi "Modo di utilizzo"). La durata di utilizzo è limitata a 14 giorni - a partire dal primo avvio del SW - a meno che dai dati d'ordine risp. dal CoL non risulti una durata di utilizzo differente.

3. Tipo di software

Se il tipo di software non è specificato né nei dati d'ordine né nel CoL, per l'utilizzo del SW valgono i diritti secondo il paragrafo 3.2 (Runtime Software).

3.1 Engineering Software (in seguito denominato "E-SW")

Se il licenziatario sviluppa con l'E-SW propri programmi o dati che contengono parti dell'E-SW, egli ha il diritto gratuito di riprodurre queste parti dell'E-SW come parte integrante dei propri programmi o dati, di utilizzarle e di trasferirle a terzi per l'utilizzo. In caso di cessione a terzi occorre, in riferimento alle suddette parti dell'E-SW, evidenziare in forma scritta quanto specificato ai paragrafi 5.1 e 5.2.

3.2 Runtime Software (in seguito denominato "R-SW")

Se il licenziatario integra in propri programmi o dati R-SW o parti di esso, egli deve ottenere prima di ogni installazione o riproduzione - a seconda di quanto avviene prima - dei propri programmi o dati, che contengono R-SW o parti di esso, una licenza per il R-SW corrispondente al modo di utilizzo previsto secondo l'ultimo catalogo Siemens valido. Se il licenziatario cede i suddetti programmi o dati a terzi per l'utilizzo, occorre, in riferimento alle parti del R-SW contenute, evidenziare in forma scritta quanto specificato al paragrafo 5. Rimane invariato l'obbligo del licenziatario di ottenere una licenza per il R-SW, se questo è riprodotto in originale. Se nel R-SW sono compresi tool di parametrizzazione/configurazione e se per questi sono conferiti ulteriori diritti, ciò risulta dal file Readme dell'R-SW.

4. Upgrade e PowerPack

Se dai dati d'ordine e dal CoL risulta ad es. dall'aggiunta di "Upgrade" o "PowerPack" al nome di prodotto del SW, che il SW serve per l'aggiornamento di un altro software (in seguito denominato "licenza originale") I diritti di utilizzo conferiti inizialmente al licenziatario con la licenza originale cessano con l'aggiornamento. I diritti di utilizzo secondo il paragrafo 1.6 non hanno ripercussioni. Il licenziatario è comunque autorizzato a rimuovere in ogni momento l'aggiornamento (downgrading) - sempreché ciò sia previsto tecnicamente - ed a esercitare i diritti di utilizzo del SW conferiti con la licenza originale secondo quanto specificato al paragrafo 1.5.

5. Ulteriori diritti e obblighi del licenziatario

5.1 Se sul supporto dei dati o nel file Readme del SW non è data alcuna indicazione contraria su un numero di copie definito, il licenziatario può riprodurre da ogni esemplare del SW, per il cui utilizzo è autorizzato secondo queste "Condizioni generali", un numero adeguato di copie che possono essere utilizzate esclusivamente a scopo di salvataggio dei dati. In generale il licenziatario può riprodurre il SW solo e finché sono da noi conferiti in forma scritta diritti di riproduzione.

5.2 Il licenziatario non può modificare il SW né risalire nello sviluppo a ritroso o tradurlo e non può inoltre eliminare alcuna parte nel rispetto delle normative di legge sul diritto d'autore. Il licenziatario non può rimuovere dal SW o dal supporto dei dati elementi identificatori alfanumerici, marchi e dichiarazioni di riserva del diritto d'autore e deve riprodurli immutati qualora abbia autorizzazione di riproduzione. Il presente regolamento vale parimenti per la documentazione ceduta secondo il paragrafo 1.

5.3 Il licenziatario è autorizzato a trasferire ad una terza parte il completo diritto di utilizzo acquisito, con il presupposto che venga stipulato un corrispondente accordo scritto ove si contemplino tutte le normative di questo paragrafo 5 ed egli non trattenga alcuna copia del SW. Se il licenziatario ha ricevuto per il SW una License Key, questa va trasferita alla terza parte insieme con il SW. Inoltre va trasferito il CoL insieme con queste "Condizioni generali". Il licenziatario esibirà a Siemens su richiesta in qualsiasi momento il CoL ricevuto per il SW.

5.4 Se il SW è un PowerPack o un Upgrade, il licenziatario conserverà il Certificate of License o il certificato di prodotto software della licenza originale e lo esibirà su nostra richiesta in qualsiasi momento insieme con il CoL del SW. Se il licenziatario trasferisce il suo diritto di utilizzo del SW PowerPack e del SW Upgrade secondo il paragrafo 5.3, egli deve trasferire alla terza parte anche il Certificate of License o il certificato di prodotto software della licenza originale.

5.5 Se il licenziatario riceve un supporto dei dati, contenente oltre al SW anche altri prodotti software separati, egli ha un diritto gratuito, limitato nel tempo, di utilizzare questi prodotti software esclusivamente a scopo di validazione. La durata di utilizzo è limitata a 14 giorni - a partire dal primo start del rispettivo programma software - a meno che, ad es. nel file Readme del prodotto software, non sia indicata una durata diversa. Per questi prodotti software rilasciati esclusivamente a scopo di validazione valgono le normative di queste "Condizioni generali". Il licenziatario non è autorizzato a trasferire ad una terza parte questi prodotti software separatamente, cioè senza il SW.

Per il resto valgono le condizioni del contratto d'acquisto.

Condizioni di licenza ed esclusioni di responsabilità per il software Open Source e altri software di licenza

Nel prodotto (Copyright Siemens AG, 2016) viene impiegato il Software Open Source invariato o modificato da Siemens nonché gli altri software con licenza elencati di seguito.

Siete autorizzati a utilizzare l'Open Source Software come previsto nelle rispettive condizioni di licenza applicabili. Queste sono specificate nel file Leggimi_OSS e hanno priorità rispetto alle Condizioni Generali previste per l'Open Source Software. Le condizioni di licenza dell'Open Source Software trovano applicazione in via prioritaria anche qualora, in ragione del collegamento di componenti OSS con componenti proprietari, vi conferiscano particolari diritti anche sui componenti proprietari.

Responsabilità per il software Open Source

Il software Open Source viene fornito gratuitamente. Siemens risponde del prodotto e del software Open Source in esso contenuto in conformità a quanto previsto dalle condizioni di licenza valide per il prodotto. È espressamente esclusa qualsivoglia garanzia sul software Open Source che vada oltre allo svolgimento del programma previsto da Siemens. Siemens non risponde inoltre in alcun modo degli errori causati da modifiche apportate al software Open Source.

Non viene fornito supporto tecnico per un prodotto modificato.

Disponibilità del codice sorgente

Alcune condizioni di licenza di componenti software di terzi utilizzati nel presente prodotto potrebbero obbligare Siemens a fornirvi il codice sorgente e informazioni aggiuntive. Se il codice sorgente e le informazioni non sono già in dotazione al prodotto/pacchetto software (ad es. nella memoria di massa o in un DVD) li si può richiedere a Siemens dietro pagamento delle spese di spedizione e di gestione. La richiesta può essere inviata all'indirizzo indicato alla fine della presente sezione.

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2.6 中文

西门子许可条件

自动化与驱动软件产品通用许可条件 (2011-08-01)

1. 提供软件及授予使用软件的权利

1.1 本通用许可条件排他地适用于向被许可方提供的自动化与驱动软件。被许可方的通用条款和条件仅在我方以书面形式表示接受的情况下才能适用。软件的交货范围应由双方签订书面声明加以确定。我们将授予被许可方使用订单确认书中规定的，或者（如被许可方未收到订单确认书）许可证书中规定的，或者（如被许可方收到了软件产品单）软件产品单中规定的软件（以下简称“软件”）的权利。许可证书及软件产品单以下通称为“CoL”。应当在提供软件时或者与交货单据一并将CoL提交给被许可方。提供软件的方法也直接来自于订单确认书，或者来自于订单确认书中包含的软件订单号连同订单确认书生效时届时有效的目录的相关订货信息（以下通称为“订单信息”）或来自于CoL。如果被许可方未收到有关的数据媒介，被许可方应当有权在行使授予其使用软件的权利所必须的范围内复制可以获取的软件。上述规定在经过适当调整后适用于以电子方式提供软件（下载）。在通用许可条件中提到订单信息或CoL的情况下，如果被许可方未收到订单确认书，则应参照CoL的规定。在任何情况下，订单信息中所含的信息也包含在CoL之中。

1.2 与软件相关的文档（以下简称“文档”）应当另行购买，除非订单信息或者CoL规定文档包含在交货的范围

之内。如果被许可方经授权按照第1.1条的规定复制软件，则该规定也适用于相关的文档，条件是文档已经包括在交货范围之内。

1.3 在我方向被许可方提供解锁软件的许可密钥（以下简称“许可密钥”）的情况下，必须安装该许可密钥。

1.4 就软件授予被许可方的各项权利均是根据许可类型（见第2条）和软件类型（见第3条）授予的。许可和软件类型详见订单信息或CoL。如果以电子方式提供软件或者已经授予了复制软件的权利，本通用许可条件中规定的各项权利和责任应当适用于合法生成的副本。

1.5 如果被许可方合法占有软件此前的版本（以下简称“此前版本”），则被许可方将有权自行决定是依据当前软件还是因技术需要而依据先前版本（降级）来行使所授予的使用软件的权利。如果软件是第4部分所述的升级版或加强版，则另外适用第4部分的规定。

1.6 如果先前版本列于软件Readme文件的“平行使用”类别下，则除被授予的软件用户权限外，被许可方还有权在一（1）个实例上使用所列的先前版本。如果订单信息或许可条件命名的“使用类型”是：“安装”或“用户”，则被许可方除拥有在实例中使用所列先前版本的权限外，还拥有先前所述的权限。就这些通用许可条件而言，“实例”指的是位于实际操作系统环境或虚拟操作系统环境中的实例。依据第5.3条，只有在拥有软件用户权限的情况下，才能将用户权限转移到先前版本上。

1.7 在被许可方仅获得了数据媒介，但是却未获得订单信息或CoL中规定的许可的情况下，被许可方要使用软件必须首先按照第2条的规定获得许可。在获得了该许可之前，被许可方无权向第三方提供该软件。

1.8 在软件含有开源软件或任何类似的第三方软件（以下简称“开源软件”）的情况下，该开源软件在软件的Readme_OSS-文档中列明。被许可方有权按照开源软件的许可条件使用开源软件。许可条件以与软件相同的数据载体提供。关于开源软件的通用许可条件优先于本通用许可条件。如果开源软件的许可条件要求分配此类开源软件的源代码，经要求我们将在被许可方支付了运输和处置费用之后提供此类源代码。

1.9 软件可以是许可软件，或是包含许可软件除OSS外的软件，即不是由我方自行开发，而是由如微软许可有限公司（Microsoft Licensing Inc.）等第三方（以下简称“许可方”）授予我方许可的软件。在被许可方收到与Readme_OSS-文档中的软件一道提供的，由相关许可方规定的各项条款和条件的情况下，此类条款和条件适用于该许可方针对被许可方应承担的责任。在任何情况下，我方对被许可方所承担的责任应当受本通用许可条件的管辖。

2. 许可类型

根据许可类型，被许可方应当就软件被授予下列各项权利：

2.1 单一许可（一次性许可、复制许可）

软件产品单中有可能使用的“一次性许可”或“复制许可”的字样相当于“单一许可”的字样。下列规定应当适用于所有范围的一次性许可/复制许可。被许可方应当被授予在一台硬件设备上安装软件并且以订单信息或CoL所规定的方式使用软件的权利，该权利是非独占性的，可根据第5.3条的规定转让，并且无特定的限期（详见“使用类型”）。

2.2 浮动许可

被许可方应当被授予在任意台被许可方的硬件设备上安装软件的权利，该权利是非独占性的，可根据第5.3条的规定转让，并且无特定的限期（详见“使用类型”）。允许同时使用软件的对象（例如：用户或设备）也适用订单信息或CoL的规定（详见“使用类型”）。

2.3 租赁许可

被许可方应当被授予在订单信息或CoL规定的时限内在一（1）个实例上安装并使用软件的权利，该权利是非独占性的，可根据第5.3条的规定转让（详见“使用类型”）。如果按照规定是以小时计算使用期限，那么使用时间就是自软件启动时开始，并且在软件关闭时结束。如果使用期限是按照日、周或月规定，那么自首次启动软件起算的规定期限不完全等同于实际使用时间。如果使用期限指定为某具体日期，那么无论实际使用时间长短，使用权利都将于此日期终止。

2.4 租赁浮动许可

被许可方应当被授予在订单信息或CoL规定的时限内在任意数量的被许可方的硬件设备上安装该软件的权利，该权利是非独占性的，可根据第5.3条的规定转让（详见“使用类型”）。允许同时使用软件的对象（例如：用户或设备）也适用订单信息或CoL的规定（详见“使用类型”）。如果按照规定是以小时计算使用期限，那么使用时间就是自软件启动时开始，并且在软件关闭时结束。如果使用期限是按照日、周或月规定，那么自首次启动软件起算的规定期限不完全等同于实际使用时间。如果使用期限指定为某具体日期，那么无论实际使用时间长短，使用权利都将于此日期终止。

2.5 演示许可

被许可方应当被授予在订单信息或CoL规定的时限内在一（1）个实例上安装并进行验证，该权利是非独占性的，可根据第5.3条的规定转让（详见“使用类型”）。如果使用期限是按照日、周或月规定，那么自首次启动软件起算的规定期限不完全等同于实际使用时间。如果使用期限指定为某具体日期，那么无论实际使用时间长短，使用权利都将于此日期终止。

2.6 演示浮动许可

被许可方应当被授予在订单信息或CoL规定的时限内在任意数量的被许可方的硬件设备上安装该软件的权利，该权利是非独占性的，可根据第5.3条的规定转让（详见“使用类型”）。允许同时使用软件的对象（例如：用户或设备）也适用订单信息或CoL的规定（详见“使用类型”）。如果使用期限是按照日、周或月规定，那么自首次启动软件起算的规定期限不完全等同于实际使用时间。如果使用期限指定为某具体日期，那么无论实际使用时间长短，使用权利都将于此日期终止。

2.7 试用许可

被许可方应当被授予在一（1）个实例上安装软件并且为了验证的目的，以订单信息或CoL所规定的方式使用软件的权利，该权利是非独占性的，不得转让（详见“使用类型”）。使用的期限仅限于十四（14）天，并且在启动软件时起算，除非订单信息或CoL中规定了其他的使用期限。

3. 软件类型

如果订单信息或CoL中未规定软件类型，那么第3.2条（运行系统软件）中规定的各项软件权利应当适用于该软件。

3.1 工程软件（以下称为“E-SW”）

在被许可方使用工程软件来生成其自己含有工程软件成份的程序或者数据的情况下，被许可方应当有权在不必支付许可费的情况下复制或者使用作为其自己程序或者数据的组成部分的该工程软件的部分或者将该部分提供给第三方使用。在将该部分提供给第三方使用的情况下，该第三方应当以书面形式就上述工程软件的部分按照第5.1和5.2条的规定遵守相关规定。

3.2 运行系统软件（以下称为“R-SW”）

如果被许可方将运行系统软件或者其任何部分嵌入其自己的程序或数据，被许可方应当在每次安装或者复制（取决于先安装还是先复制）其自己含有运行系统软件或其组成部分的程序或数据时，根据拟采用的相关使用类型并根据届时有效的目录购买运行系统软件的许可。在被许可方向第三方提供此类程序或者数据供其使用的情况下，该第三方应当以书面形式就其中所包含的运行系统软件的组成部分遵守第5条的各项规定。如果复制该运行系统软件的原版，以上规定并不影响被许可方为运行系统软件购买许可的义务。如果运行系统软件含有参数化/配置的工具，而且已经就此赋予了扩展权利，则应当在该运行系统软件的readme文档中详细予以说明。

4. 升级和加强

如果从订单信息或CoL可以明显看出，该软件是另一个软件（以下简称“源许可”）的升级版，如产品名称之后添加了“Upgrade”或“PowerPack”的字样，那么最初授予被许可方的使用源许可的权利于升级时结束。第1.6条中规定的使用权利不会受此影响。但是，如果技术上有必要，被许可方有权撤销升级（降级）并按照第

1.5条的规定就源版本行使使用授予被许可方的软件的权利。

5. 被许可方的进一步权利和义务

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If such an object file uses only numerical parameters, data structure layouts and accessors, and small macros and small inline functions (ten lines or less in length), then the use of the object file is unrestricted, regardless of whether it is legally a derivative work. (Executables containing this object code plus portions of the Library will still fall under Section 6.)

Otherwise, if the work is a derivative of the Library, you may distribute the object code for the work under the terms of Section 6. Any executables containing that work also fall under Section 6, whether or not they are linked directly with the Library itself.

6. As an exception to the Sections above, you may also compile or link a "work that uses the Library" with the Library to produce a work containing portions of the Library, and distribute that work under terms of your choice, provided that the terms permit modification of the work for the customer's own use and reverse engineering for debugging such modifications.

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b) Accompany the work with a written offer, valid for at least three years, to give the same user the materials specified in Subsection 6a, above, for a charge no more than the cost of performing this distribution.

c) If distribution of the work is made by offering access to copy from a designated place, offer equivalent access to copy the above specified materials from the same place.

d) Verify that the user has already received a copy of these materials or that you have already sent this user a copy.

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This option is useful when you wish to copy part of the code of the Library into a program that is not a library.

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5. A program that contains no derivative of any portion of the Library, but is designed to work with the Library by being compiled or linked with it, is called a "work that uses the Library". Such a work, in isolation, is not a derivative work of the Library, and therefore falls outside the scope of this License.

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When a "work that uses the Library" uses material from a header file that is part of the Library, the object code for the work may be a derivative work of the Library even though the source code is not. Whether this is true is especially significant if the work can be linked without the Library, or if the work is itself a library. The threshold for this to be true is not precisely defined by law.

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Otherwise, if the work is a derivative of the Library, you may distribute the object code for the work under the terms of Section 6. Any executables containing that work also fall under Section 6, whether or not they are linked directly with the Library itself.

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SoftFloat was written by John R. Hauser. This work was made possible in part by the International Computer Science Institute, located at Suite 600, 1947 Center Street, Berkeley, California 94704. Funding was partially provided by the National Science Foundation under grant MIP-9311980. The original version of this code was written as part of a project to build a fixed-point vector processor in collaboration with the University of California at Berkeley, overseen by Profs. Nelson Morgan and John Wawrzynek.

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**
** ++Geert: support for zorro_unused_z2ram, better range checking
** ++roman: translate accesses via an array
** ++Milan: support for ChipRAM usage
** ++yambo: converted to 2.0 kernel
** ++yambo: modularized and support added for 3 minor devices including:
** MAJOR MINOR DESCRIPTION
** -----
** 37 0 Use Zorro II and Chip ram
** 37 1 Use only Zorro II ram
** 37 2 Use only Chip ram
** 37 4-7 Use memory list entry 1-4 (first is 0)
** ++jskov: support for 1-4th memory list entry.
**
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