

DASSAULT SYSTEMES

OFFERING SPECIFIC TERMS (OST) FOR DELMIA Ortems Release 2021 and previous Releases

LICENSED PROGRAMS

ADDITIONAL TERMS

These additional terms supplement the Offering Specific Terms for DELMIA Ortems Licensed Programs, Release 2021 and previous Releases, and are an integral part of such Offering Specific Terms. Except as expressly supplemented by these additional terms, all terms and conditions of the Offering Specific Terms for DELMIA Ortems Licensed Programs, Release 2021 and previous Releases shall remain in full force and effect.

The Offering Specific Terms for DELMIA Ortems Licensed Programs, Release 2021 and previous Releases together with these additional terms (OST) and the terms incorporated herein by reference (including terms referenced on a website) are an integral part of the license and online services agreement between DS and Customer ("Agreement"), which refers to this OST. In the event of a discrepancy, inconsistency or contradiction between this OST and the other terms of the Agreement, the provisions of this OST shall prevail, but only with respect to the Licensed Programs to which this OST applies. Customer acknowledges that it has full knowledge of all the terms of this OST and those incorporated herein by reference.

5. DEFINITIONS

5.1 GENERAL DEFINITIONS

The following definitions supersede those of the corresponding section of the Offering Specific Terms for DELMIA Ortems Licensed Programs, Release 2021 and previous Releases:

Machine means a device on which a DS Offering is executed and which is either (1) (i) (a) belonging to Customer or under its sole control or supervision and (b) located on Customer's premises (provided when applicable that Users and Extended Enterprise Users, as applicable, may occasionally use laptop computers outside Customer's premises) or (ii) authorized by Customer according to its own information technology charter or equivalent whereby third party devices (such as Users own devices) are specifically authorized, or (2) operated by a third party service provider as specifically authorized in the Agreement solely for and on behalf of Customer.

User means any (a) Customer's employee, or (b) employee of Customer's consultant(s) or subcontractor(s) (i) who accesses a DS Offering, (ii) who works for the exclusive internal needs of Customer and (iii) whose usual workplace is located within Customer's premises. Subject to the terms and conditions of this Agreement, including without limitation, export-related obligations, Customer's employee may also work according to Teleworking conditions. For Academic Use of DS Offering, **User** means (i) any individual who works for Customer and is dedicated either to education or research or (ii) any individual regularly enrolled as a bona fide student in Customer's academic program.

The following definition supplements those of the corresponding section of the Offering Specific Terms for DELMIA Ortems Licensed Programs, Release 2021 and previous Releases:

Teleworking means any program authorized by and for the benefit of Customer to enable its employees to work outside its own premises, using information and communication technology (or equivalent program established by a Customer entitled to Academic Use of the DS Offerings for its Users).

Any use of DS Offerings while Teleworking is authorized if all of the following conditions are at all times met: (a) Customer's employees do so on Machine(s) connected to Customer's network (e.g. via Virtual Private Network), (b) Customer is able to provide access to such Machine(s) during a compliance verification according to the Agreement, and (c) Customer's employees use the DS Offerings for Customer's exclusive internal needs. Same use is authorized for Users of a Customer entitled to Academic Use of the DS Offerings.