CC4Skype SOFTWARE ESCROW ARRANGEMENT

PARTNER AGREEMENT

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Partner Agreement

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On behalf of CC4Skype

Your organisation uses CC4Skype software. We are very proud of our software and are fully committed to making sure it operates smoothly every day. Continuously striving to improve and expand our software, we take our responsibility very seriously indeed.

This is the technical aspect of software and this is where our expertise and experience lies. But in marketing software, there are legal and business economic aspects to consider too. Aspects where we also wish to take responsibility. Not just in our own interest, but especially in your interest as the user and licensee of CC4Skype. You rely on the availability of our products, on optimal continuity as well as maintenance and support. Also during unexpected events, whatever they may be.

This is why we wish to inform you about the measures we have taken to address these legal and business economic aspects, to make sure that you can use CC4Skype undisturbed, whenever and wherever.

We work with an IT notary, Software Borg Stichting and other specialist partners to offer services that help make our products and your information system more reliable and safer.

Please read this brochure and keep it with the agreements concerning your software. If you have any questions, please do not hesitate to contact any of the experts listed in this brochure.

On behalf of CC4Skype,

Frank Fennema, *Controller*

Marcel Reuvers (CEO CC4Skype) receives the certificate from
André Kamps of Software Borg and IT-notary Ivo van der Zijl

The software escrow arrangement

Dynamic developments surrounding software

Software is called business-critical if your company's continuity depends on the availability of relevant software and corresponding data. Your business will suffer direct or indirect damage if business-critical software is no longer available or up to date.

Software is a dynamic object in a dynamic environment. It is technically maintained and further developed. Legally, a variety of developments may also occur. For instance, the software copyright may be pledged or sold. Your software supplier may experience commercial developments, such as mergers, takeovers and, unfortunately, bankruptcies. As a user, you have virtually no control over all the things that can happen during the lifetime of your software. These events, however, may impact your business continuity. Support and maintenance may be stopped and under certain circumstances even your user-license can be revoked.

Guarantee of continuity

On the basis of our responsibility for and commitment to our clients, your supplier has made a provision which removes your dependency on him. The provision is called: the *software escrow arrangement*. This is a precautionary arrangement which will guarantee your rights as a software user in case of a contingency suffered by your supplier.

Dynamic source code escrow

In co-operation with the foundation Software Borg, your supplier has entered into a dynamic software escrow arrangement with an IT-notary (a civil-law notary specialized in the legal aspects of the information society), which means that the source code of our software has been measured against the IT-notary quality rules and filed at its offices. Software Borg permanently monitors any relevant occurrences in the lifetime of our software, whether they are of a technical, legal or commercial nature.

Continuity is also your responsibility

It will also take activities on your part, though, to properly protect the continued use of software. Not only is the continuity of your business as a whole your responsibility; there are also specific matters, including your obligation to retain records for tax purposes, which make the continued availability of software necessary. Besides, legislation and regulations require you to protect your IT system thoroughly.

Follow-up and legal assistance

In the event of an emergency at your supplier, Software Borg and the IT-notary will be ready to help. Software Borg, for example, is obliged to exchange information with you and provide you with legal assistance to secure your rights. In addition to safeguarding the source code and user rights of the software, Software Borg will make every effort to ensure that your software continues to be available.

Escrow participation agreement

If you want to take part in the escrow arrangement, you must enter into an escrow participation agreement with Software Borg. It is advised to do so, because the escrow participation agreement will cover the consequences of an emergency to the greatest possible extent. Your software, and its source code, will be optimally available to you – even if the circumstances of your supplier should change. Note that the provision can only be invoked at least six months after you have joined the arrangement. That is why you should not be hesitant in deciding to join or not.

The costs of participating in the software escrow arrangement are apportioned among all the participating licensees. The annual contribution for taking part in the escrow arrangement is set at € <…> and is owed to CC4Skype.

In exchange, and in addition to the source code rights you obtain, you will receive annual inspection reports of the re-filing of the current version of the source code at the offices of the IT-Notary. These reports are also intended for use by your accountant and, possibly, your insurance company. You will also receive a certificate that guarantees your license rights to use the software.

Concluding your user agreement

Becoming a participant of the software escrow arrangement is easy. If you did not receive your escrow participation agreement yet, please contact Mr Jan-Willem Oordt of Software Borg (by e-mail: jw.oordt@softwareborg.nl) and the agreement will be sent to you. You can register by filling out the missing details and signing the agreement. Software Borg will promptly confirm receipt of your registration and also send you the inspection report with regard to the filing/re-filing of the current version of the source code at the offices of the IT-Notary.

Information and advice

In this brochure you will find extensive information about the source code escrow arrangement which your supplier had concluded. If you require any further information after reading this, please get in touch with Software Borg. You can find contact details at the index page of this brochure.

About Software Borg and the IT-notary

Software Borg

The foundation Software Borg was founded in 1992 as a collaboration of a number of civil-law notaries and informatics experts after it had first dealt with developments and their implications in the information society. They took on board the interests
of software developers and suppliers, as well as of the users, the licensees.

Software Borg designed continuity schemes that continuously adapt to technical, social and legal developments with regard to software. The latest legislation and case law, developments in cloud use, virtual desktops and actual business - everything is continuously monitored, which helps to further develop and perfect the schemes in place.

Software Borg instructs and assists suppliers and IT notaries and provides information to licensees. In case of a disaster, Software Borg makes certain all parties involved are informed. Once the source code has been issued, Software Borg provides after care and support in ensuring the continuity of the information systems in the short and longer term.

Software Borg employs IT experts and IT lawyers. The IT experts are technical inspectors, responsible for checking software filed as part of a source code escrow scheme. The IT lawyers are responsible for legal consistency and keeping the scheme up-to-date. In doing so, they take account of the specific legal condition of IT suppliers and apply the latest relevant developments in legislation and case law.

IT-Notary

The IT-Notary is specialised in securing new products created in today´s information society, including software. A civil-law notary is the perfect custodian because of his or her unique position and qualities. Notaries' offices cannot go bankrupt and deeds issued by a notary are enforceable by law. This distinguishes IT notaries from other trusted third parties.

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