

Requirements for Partner EULAs on Broadcom Portal

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This document provides some simple guidelines regarding End User License Agreements (“EULAs”) that partners must adhere to before listing software on Broadcom Portal. The information presented is not legal advice, is not to be acted on as such, and is subject to change without notice.

1. **Customer Flow.** Broadcom Portal requires customers to click and accept partner terms in order to access the partner’s software offering(s). The customer flow looks like this:
 - a. Customers register for a Broadcom portal account at support.broadcom.com
 - b. Registered customers can then access software.
 - c. In order to download a partner’s offering, the customer clicks on the link to the partner’s offering. The terms governing customers’ use of partner’s offering are available for the customer to review and customer must agree to partner’s terms before they can download the partner’s software
2. **Licensing:**
 - a. Any Open Source Initiative (OSI) Approved License; **OR**
 - b. Partner’s EULA specific to the software to be distributed via Broadcom Portal (potentially distinct from any terms associated with partner’s commercial service offering or solution).
 - i. **If using partner’s standard EULA terms, the following changes are required to account for distribution via Broadcom portal:**
 1. Add partners, suppliers, and distributors into any disclaimer of warranty/limitation of liability provisions.
 2. Consider the nature of the software, and seek independent legal advice to adjust EULA accordingly.
 - a. Is it evaluation software, commercial & proprietary, and/or open source? Supported or free/AS-IS? (for example, do not reference payment terms if the partner intends to give away the software for free and without support or warranty etc.)
 - b. Does the software access a service that requires payment, registration or licensing made available separately by partner? (Ex. reference all facts in the EULA)
3. Given that software downloaded from Broadcom Portal could be redistributed by customers, partners should consider embedding the EULA in partner’s offering as well.