



## APPENDIX F3 TO DIR CONTRACT NO. DIR-TSO-2542

### CISCO POLICY

# NON-ENTITLEMENT TO CISCO WARRANTY AND SERVICE SUPPORT OF NON-GENUINE CISCO PRODUCTS

## INTRODUCTION

The integrity of a customer's network is of paramount importance. Cisco's ability to properly support customer networks is premised on the basis that the Cisco products and related software in such networks comprise genuine products/software that have not been destroyed, stolen or otherwise constitute scrapped materials. The following policy is intended to capture this key premise. This policy is subject to change at any time and without notice.

## CUSTOMER ADVOCACY NON-ENTITLEMENT POLICY: NON-GENUINE PRODUCTS

### A. Objective:

This policy sets forth the invalidity of any warranty and service support for a Non-Genuine Product. This policy is intended to support and be consistent with other relevant Cisco policies, such as those regarding Cisco trademarks and copyright materials, software licensing, destroyed, stolen and scrapped products, channel partner direct and indirect programs that authorize Cisco channel partners to sell legitimate and genuine Cisco products and services, and any other Cisco policies referenced in this policy.

### B. Scope:

This policy applies globally.

### C. Definitions:

1. "Non-Genuine Product" means any Cisco product:
  - (a) to which a Mark has been affixed without Cisco's consent or in violation of Cisco policies;
  - (b) that do not originate from Cisco or are produced without the approval of Cisco; and
  - (c) that are generally produced, marked or labeled as counterfeits or imitations of a genuine Cisco product with the intent to counterfeit or imitate a genuine Cisco product and
  - (d) are distributed or sold as authorized Cisco products when they are not.
2. "Marks" means the mark CISCO and the other trademarks, logos and service marks of Cisco and any of its affiliates, as identified at [http://www.cisco.com/en/US/about/ac50/ac47/about\\_cisco\\_trademarks.html](http://www.cisco.com/en/US/about/ac50/ac47/about_cisco_trademarks.html). "Marks" also means the Cisco Registered Partner logo, and each of the Cisco Certified Partner marks for which Cisco's certified partners may qualify, as further described at [www.cisco.com/go/partner/logo](http://www.cisco.com/go/partner/logo).

### D. Policy:

1. **Warranties.** Cisco does not provide any kind of warranty support whatsoever for Non-Genuine Products. None of Cisco's written warranties (as set forth at [http://www.cisco.com/en/US/products/prod\\_warranties\\_item09186a00800b546d.html](http://www.cisco.com/en/US/products/prod_warranties_item09186a00800b546d.html) or elsewhere) applies to any Non-Genuine Products.

2. **Services.** Cisco does not offer for sale or otherwise any kind of services whatsoever for Non-Genuine Products. None of Cisco's service offerings (as set forth on any of Cisco's price lists) applies to any Non-Genuine Products.
3. **Any and all service contracts and/or hardware or software warranty obligations pertaining to Non-Genuine Products are void.** Upon Cisco's discovery of any Non-Genuine Products, Cisco shall immediately terminate any and all associated services and/or warranty support for such Non-Genuine Product, and pursue other available legal remedies.
4. **Refurbished Equipment.** Cisco does not offer services, or authorize or endorse any third party, to refurbish any Non-Genuine Products. Cisco's Authorized Refurbished Equipment Program (found at [http://www.cisco.com/en/US/ordering/or6/or17/order\\_refurbished\\_equipment\\_program\\_description.html](http://www.cisco.com/en/US/ordering/or6/or17/order_refurbished_equipment_program_description.html)) and related software licensing (found at [http://www.cisco.com/en/US/ordering/or6/or17/order\\_refurbished\\_equipment\\_software\\_transfer\\_and\\_licensing\\_overview.html](http://www.cisco.com/en/US/ordering/or6/or17/order_refurbished_equipment_software_transfer_and_licensing_overview.html)) do not apply to any Non-Genuine Products. Hence, sections D(1) and (2) above are equally applicable to Non-Genuine Products that have been subjected to any type of refurbishment efforts.
5. **Inspections.** Cisco does not offer, authorize or endorse any kind of used equipment inspection or recertification for Non-Genuine Products.
6. **Return Material Authorizations.** Cisco does not accept Non-Genuine Products as a part of Cisco's Return Material Authorization ("RMA") process for Advanced Replacements. Non-Genuine Products sent to Cisco either directly or via a Cisco-authorized reseller shall not qualify as meeting Cisco's RMA requirements and may be subject to destruction.

#### **E. Policy Implications:**

1. Any hardware or software that has been identified as a Non-Genuine Product shall be appropriately identified in Cisco's databases as ineligible for any kind of warranty or service support whatsoever.
2. Any warranty support or services for a Non-Genuine Product is void.
3. Cisco assumes no obligation or liability whatsoever for Non-Genuine Products.
4. If, per Cisco's Advanced Replacement services and warranty support, a customer receives a replacement product from Cisco and then improperly returns to Cisco a Non-Genuine Product (instead of the actual defective Cisco product for which the advanced replacement product was provided), Cisco retains the right to invoice the customer for the then-current list price for a genuine Cisco replacement product, and may take other actions, including, termination of the customer's support contract or pursue other available actions.
5. Cisco encourages the removal of any and all Non-Genuine Products from customer networks in order to eliminate or reduce risks associated with keeping such Non-Genuine Products in the networks.

**Corporate Headquarters**

Cisco Systems, Inc.  
170 West Tasman Drive  
San Jose, CA 95134-1706  
USA  
www.cisco.com  
Tel: 408 526-4000  
800 553-NETS (6387)  
Fax: 408 526-4100

**European Headquarters**

Cisco Systems International  
BV  
Haarlerbergpark  
Haarlerbergweg 13-19  
1101 CH Amsterdam  
The Netherlands  
www-europe.cisco.com  
Tel: 31 0 20 357 1000  
Fax: 31 0 20 357 1100

**Americas Headquarters**

Cisco Systems, Inc.  
170 West Tasman Drive  
San Jose, CA 95134-1706  
USA  
www.cisco.com  
Tel: 408 526-7660  
Fax: 408 527-0883

**Asia Pacific Headquarters**

Cisco Systems, Inc.  
Capital Tower  
168 Robinson Road  
#22-01 to #29-01  
Singapore 068912  
www.cisco.com  
Tel: +65 6317 7777  
Fax: +65 6317 7799

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