



NON-ENTITLEMENT TO CISCO WARRANTY AND SERVICE SUPPORT OF SECONDARY MARKET PRODUCTS

INTRODUCTION

This document describes the Cisco Systems® policy for supporting Cisco® products that fall within the category of “Secondary Market” products, as described herein.

Cisco’s policy is intended to support and be consistent with other relevant Cisco policies and programs, including, but not limited to, those regarding:

- Cisco’s “Secondary Market/Special Pricing Abuse Guidelines” (see http://www.cisco.com/partner/WWChannels/products/g_market.shtml)
- Refurbished equipment (http://www.cisco.com/en/US/products/prod_warranties_listing.html)
- Cisco trademarks and copyright materials (http://www.cisco.com/en/US/about/ac50/ac47/request_forms.html)
- Software licensing (see <http://www.cisco.com/warp/public/csc/refurb equip equipment/swlicense.html>)
- Nongenuine, destroyed, stolen, and scrapped products (see http://www.cisco.com/en/US/products/prod_warranties_listing.html)
- Channel partner direct and indirect programs that authorize Cisco Channel Partners to sell legitimate and genuine Cisco products and services (<http://www.cisco.com/en/US/partners/pr11/index.shtml>)
- Third-party components (http://www.cisco.com/en/US/products/prod_warranties_listing.html)
- All other Cisco policies referred to in this document.

A. Scope:

This policy for the **support of secondary** market products applies globally.

B. Policy Definitions:

1. “Secondary Market Product(s)” means new or used Cisco products that are sourced and/or sold *outside* Cisco’s Authorized Channels Network.
2. “Authorized Channel Network” includes:
 1. Cisco sales directly to End User Customers;
 2. Cisco sales to Cisco Channel Partners (who sell directly to End User Customers, or within the European Economic Area (EEA) also to other Cisco Channel Partners or Distributors); and
 3. Cisco Distributors (who sell to Cisco Channel Partners who resell to End User Customers, or within the EEA also to other Cisco Channel Partners or Distributors) where the purchasers of such product are within the contractually agreed territories for the Cisco Channel Partner or Distributor in question.

Note: For Cisco Channel Partners in the EEA, this includes sales to parties within all the EEA.

3. “Cisco Channel Partners” means the Cisco Registered, Certified (Gold, Silver, Premier), and Specialized Partners authorized by Cisco to resell Cisco Equipment in the territory in which the End User is located, as published on the Cisco Partner Locator, at the following URL: http://tools.cisco.com/WWChannels/LOCATR/jsp/partner_locator.jsp, as updated from time to time by Cisco.

4. "Cisco Distributors" means Cisco Distributors, Distribution Partners, or Authorized Distributors authorized by Cisco to resell Cisco Equipment in the territory in which the End User is located, as published on the Cisco Distributor Locator, at the following URL: http://tools.cisco.com/WWChannels/LOCATR/jsp/distributor_locator.jsp, as updated from time to time by Cisco.
5. "End User Customer" means the business entity identified by the party placing the applicable purchase order with Cisco as the initial end user of the Cisco Product in question.

C. Policy

1. Services. For Secondary Market Products to become eligible for Cisco support services, Cisco requires that an inspection of such Secondary Market Products (per Cisco's inspection program) is carried out, that the equipment passes said inspection, and that appropriate proof is provided to Cisco showing that the appropriate software license fees have been paid for the said Secondary Market Products (or that payment is made for such licenses if no prior payment has been made) by or on behalf of the end user who will be using the Secondary Market Products in question. Other fees, such as those for reinstatement of services, may also apply.
2. Refurbished Equipment. Cisco does not authorize or endorse any third party to refurbish Secondary Market Products. However, Cisco does offer refurbished products for sale through the Cisco Authorized Refurbished Equipment Program. Information about the program is available at: http://www.cisco.com/en/US/ordering/or6/or17/order_refurbished_equipment_program_description.html Information about Cisco's software licensing policy is available at: http://www.cisco.com/en/US/ordering/or6/or17/order_refurbished_equipment_software_transfer_and_licensing_overview.html.
3. Inspection Fees. Contact your local Cisco service account representative for more information about Cisco's inspection fees and process.

D. Policy Implications

1. Any Secondary Market Product is ineligible for any kind of Cisco service support unless it becomes eligible through inspection, licensing, and other applicable processes. Furthermore, Cisco reserves the right to terminate or deny service coverage if it determines that product was purchased outside of Cisco's authorized channel.
2. Cisco assumes no obligation or liability for Secondary Market Products, except as detailed in service contracts written after such products have been inspected and appropriate software licenses have been purchased.

Cisco may (a) invoice the customer for the then-current list price for the genuine Cisco replacement product; and (b) pursue other available actions, up to, and including, termination of the customer's support contract when:

- (i) a customer receives a replacement product from Cisco and
 - (ii) returns to Cisco an ineligible Secondary Market Product (one that has not been inspected or correctly licensed) instead of the actual defective Cisco product for which the advanced replacement product was provided.
3. Cisco encourages customers to check the source and quality of the products they purchase, in order to reduce risks associated with using such Secondary Market Products in their networks (that is, unknown origin may mean unknown quality and hence unknown risks). In addition, Cisco encourages customers to check eligibility of Secondary Market Products for Cisco support and the validity of the applicable software licenses for those products.

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