



## **HP INDEMNIFIES LINUX CUSTOMERS AGAINST SCO LAWSUIT**

### **Frequently Asked Questions**

**August 2009**

**Q:** Which customers benefit from this offer?

**A:** Any Customer who buys Linux from HP or an HP authorized reseller after October 1, 2003 to run on HP platforms can benefit from this protection. This can also apply to customers who recently purchased Linux systems, software, and services from HP.

**Q:** Does this mean that HP believes the risk of litigation from SCO against Linux customers is real and has escalated?

**A:** No. HP is fully committed to Linux and is willing to provide an indemnity program, which can reduce some of the risk associated with SCO initiated litigation. HP wants to ease the concerns of customers and the Linux community by providing this added security to encourage the deployment of Linux applications on HP's platforms.

**Q:** Does HP's Linux indemnity program include customers that purchase through the channel?

**A:** Yes. Customers who purchase HP-delivered Linux distributions from HP's authorized resellers can qualify for the HP linux indemnification program. Customers need to follow the registration process and sign an indemnification agreement with HP.

**Q:** Does HP's Linux indemnity program extend to customers that purchase solutions based on HP platforms and Linux from a 3<sup>rd</sup> party other than an HP authorized reseller?

**A:** No. HP's indemnity program covers HP end-user and HP authorized reseller customers only.

**Q:** Does HP's Linux indemnity program have any financial caps?

**A:** No.

**Q:** Does Dell or IBM offer a Linux indemnity program?

**A:** No.

**Q:** Is HP the only company offering Linux indemnification from SCO?

**A:** HP was the first and continues to be the only hardware vendor to offer Linux indemnity to qualified customers. Both Novell and Red Hat have programs in place today offering Linux indemnification.

**Q:** What is Novell's program called?

**A:** The program is called "Novell Technology Assurance Program" and more information can be found at [www.novell.com/licensing/ntap/](http://www.novell.com/licensing/ntap/)

**Q:** What is Red Hat's Linux indemnity program?

**A:** The program is called "Open Source Assurance" and more information can be found at [www.redhat.com/rhel/details/assurance/](http://www.redhat.com/rhel/details/assurance/)

**Q:** What do customers have to do to qualify for HP's indemnity program?

**A:** To qualify for this program, HP customers must purchase Linux subscription services from HP or from HP's resellers, run the Linux operating system solely on HP hardware and sign an indemnity agreement with HP, which details terms and conditions of the indemnity program.

**Q:** How do customers obtain HP's Linux indemnity agreement?

**A:** Customers need to visit [www.hp.com/go/linuxprotection](http://www.hp.com/go/linuxprotection) and register. Once registration is complete, the indemnity agreement will be mailed with instructions for execution.

**Q:** Does this apply to customers using HP hardware only?

**A:** Yes. HP only offers this indemnity for those customers who purchase Linux solutions directly from HP or from HP resellers and run it on HP-branded hardware.

**Q:** Will this indemnity apply to customers who purchase Linux software and support from HP but who deploy on hardware from other vendors?

**A:** No.

**Q:** Does the customer need to purchase an HP hardware support contract?

**A:** No, this is not a requirement of the program.

**Q:** What Linux Distributions qualify for the HP Linux indemnity program?

**A:** Any Linux Distribution shipped and supported by HP.

**Q:** Why does HP require customers to sign a separate indemnity agreement with HP to participate in this program?

**A:** HP can only provide the program to customers who specifically agree to the terms of the program, including allowing HP to defend any resulting litigation and control the legal defense.

**Q:** Did HP initially take this position because it found that customers are worried about the SCO v. IBM lawsuit?

**A:** In general, initially HP did not find customers to be concerned about this lawsuit; however, there was considerable media coverage at the time and speculation about this issue. HP once again demonstrated accountability in addressing potential customer concerns.

**Q:** Does this mean that HP endorses the SCO lawsuit against IBM and believes it has merit?

**A:** No. HP does not endorse this lawsuit and believes that the issue concerning SCO's intellectual property is for the courts to decide.

**Q:** Has HP made a separate agreement with SCO?

**A:** No. HP does not have a SCO Linux indemnity agreement.

**Q:** HP has previously stated that 'HP has found no intellectual copyright infringements within Linux.' Why, therefore, is HP offering an indemnity program?

**A:** HP is offering this indemnity program in support of its customers and to reduce their potential risk, while continuing to facilitate the adoption of Linux solutions.

**Q:** If the customer is being sued for Linux copyright infringement, can they now sign up for HP's indemnity program?

**A:** No.

**Q:** If a customer is being sued for Linux copyright infringement, can they receive the Ts & Cs for their review?

**A:** Yes. Please contact the appropriate sales representative or reseller. However, receiving the Ts & Cs for review no way implies that HP and the customer will enter into an indemnity agreement.

**Q:** Does HP's Linux indemnity program cover applications that run on Linux?

**A:** No, HP's indemnity program only covers the enterprise Linux Distribution itself.

**Q:** Does HP's Linux indemnity program cover VMware ESX operating system?

**A:** No. VMware ESX is based on components of a Linux distribution (a subset of the original packages) that has been modified and, as such, is not eligible for HP's indemnity program.

**Q:** Does HP's Linux indemnity program cover VMware GSX application that runs on Linux?

**A:** No. HP's indemnity program does not cover applications that run on Linux.

**Q:** VMware GSX runs on Linux. Does HP's Linux Indemnity Program cover that Linux?

**A:** Yes, provided the Linux Distribution meets all the requirements of HP's indemnity program.

**Q:** Does HP's Indemnity Program cover the Linux that runs on a virtual machine/partition under ESX or GSX?

**A:** Yes, provided the Linux Distribution meets all the requirements of HP's indemnity program.