



IBM 使用条款 - 特定于 SaaS 的产品条款

IBM Strategic Supply Management On Cloud

使用条款 (“ToU”) 由 IBM 使用条款 - 特定于 SaaS 的产品条款 (“特定于 SaaS 的产品条款”) 以及标题为“IBM 使用条款 - 通用条款 (“通用条款”) 组成, 可通过以下 URL 获得: <http://www.ibm.com/software/sla/slabd.nsf/sla/tou-gen-terms/>。

此 ToU 是对适用的“IBM Passport Advantage 国际协议”、“IBM Passport Advantage Express 国际协议”或“针对所选的 IBM SaaS 产品的 IBM 国际协议” (“协议”) 的补充, 这些协议与此 ToU 构成完整的协议。如果“通用条款”与这些“特定于 SaaS 的产品条款”之间存在冲突, 那么这些“特定于 SaaS 的产品条款”优先于“通用条款”。

仅当首先接受“使用条款”, 客户才能使用 IBM SaaS。订购、访问或使用 IBM SaaS, 即表示客户接受 ToU。如果在显示这些“特定于 SaaS 的产品条款”后单击“接受”按钮, 那么您也接受了“通用条款”。

如果您代表客户接受 ToU, 那么您表示并保证您拥有完整的权限, 可以确保客户接受 ToU 的约束。如果您不同意 ToU, 或者没有约束客户遵守 ToU 的完整权限, 那么不得以任何方式使用或参与作为 IBM SAAS 的一部分而提供的任何功能。

第一部分 - IBM 条款

1. IBM SaaS

以下 IBM SaaS 服务产品受这些“特定于 SaaS 的产品条款”的管辖:

- IBM Emptoris Strategic Supply Management Enterprise on Cloud
- IBM Emptoris Strategic Supply Management Enterprise on Cloud Read Only

2. 收费计量

IBM SaaS 产品和服务根据以下费用标准出售:

- a. 授权用户是可能获取 IBM SaaS 的计量单位。“授权用户”是获得 IBM SaaS 访问权的唯一人员。客户必须在客户权利证明 (PoE) 或交易文档中所指定的评估期间内, 以任何方式, 直接或间接的 (例如: 通过多路复用程序、设备或应用程序服务器), 为每位“授权用户”获取访问 IBM SaaS 的单独专有授权。“授权用户”的授权对该“授权用户”是唯一的, 不能进行共享, 也不能将其重新分配, 除非要将“授权用户”的授权永久转让给其他人员。

3. 费用和计费

3.1 计费选项

IBM SaaS 的应付金额在“交易文件”中进行说明。IBM SaaS 订购费用的计费选项如下:

- a. 预付总承诺金额
- b. 每月 (延付)
- c. 每季度 (预付)
- d. 每年 (预付)

所选计费选项针对 PoE 或交易文件中指定的期限内有效。每个结算周期的应付金额将依据每年订购费用和一年中结算周期数计算。

3.2 部分月度费用

部分月度费用是按比例向客户收取的日费率。部分月度费用以从 IBM 通知客户可访问 IBM SaaS 产品服务之日起的该部分月的剩余天数为准进行计算。

4. 帐号创建和访问

当 IBM SaaS 用户注册帐号 (“帐号”) 时, IBM 将向 IBM SaaS 用户提供一个帐号标识和密码。客户负责确保每个 IBM SaaS 用户管理并保持其帐号信息, 并及时更新信息。客户负责确保每个 IBM SaaS 用户保护其帐号标识和密码, 并对代表客户访问 IBM SaaS 用户帐号或使用任何 IBM SaaS 的人员进行控制。

5. 订购周期续约

5.1 订购周期自动续约

如果客户的 PoE 指定自动进行订购续约，那么客户可以通过在到期日期之前，根据本协议的条款，以书面授权方式对即将到期的 IBM SaaS 订购周期进行续约。

如果到期日期后 IBM 仍未收到此类授权，那么到期的 IBM SaaS 订购周期会自动续约一年或自动续约与原始期限相同的时段，除非在到期日期之前，IBM 从客户那里直接收到或者通过客户的经销商（如果适用）收到客户书面通知，称不希望续约。否则，客户即表示同意支付此类续订费用。

5.2 持续计费

如果客户的 PoE 指定在订购周期到期之后仍将继续就订购续约进行计费，那么客户将能够继续访问 IBM SaaS，将在持续计费基础之上对 IBM SaaS 的使用开具帐单。要终止使用 IBM SaaS 并停止持续计费过程，客户必须提前 90 天向 IBM 提交请求取消其 IBM SaaS 的书面通知。在取消客户访问 IBM SaaS 之后，将在取消生效月对未偿付的访问费用向客户开具帐单。

5.3 要求客户续约

如果客户的 PoE 指定订购续约终止，那么 IBM SaaS 产品将不会在初始订购周期结束后续约。为在初始订购时间段结束后继续使用 IBM SaaS，客户必须为 IBM SaaS 获取新订购。请联系 IBM 销售代表或客户经销商（如果适用）以获取新的 IBM SaaS 订购。

6. 技术支持

在预订周期内，为 IBM SaaS 产品提供技术支持。此类技术支持随附于 IBM SaaS，不可作为独立产品使用。

可在以下 URL 中找到技术支持信息：<http://www-01.ibm.com/software/procurement-solutions/emptoris/support/>。

7. IBM SaaS 服务产品特殊条款

对于 IBM SaaS，允许授权用户使用以下产品：

- IBM Emptoris Supplier Lifecycle Management on Cloud
- IBM Emptoris Supplier Lifecycle Management on Cloud Read Only
- IBM Emptoris Supplier Lifecycle Management on Cloud Supplier Evaluation
- IBM Emptoris Supplier Lifecycle Management on Cloud Supplier Evaluation for Non-Production Environment
- IBM Emptoris Supplier Lifecycle Management on Cloud Supplier Classification
- IBM Emptoris Supplier Lifecycle Management on Cloud Supplier Classification for Non-Production Environment
- IBM Emptoris Supplier Lifecycle Management on Cloud Supplier Development
- IBM Emptoris Supplier Lifecycle Management on Cloud Supplier Development for Non-Production Environment
- IBM Emptoris Supplier Lifecycle Management on Cloud Supplier Risk Management
- IBM Emptoris Supplier Lifecycle Management on Cloud Supplier Risk Management for Non-Production Environment
- IBM Emptoris Contract Management Buy Side on Cloud
- IBM Emptoris Contract Management Buy Side on Cloud Read Only
- IBM Emptoris Contract Management Buy Side on Cloud for Non-Production Environment
- IBM Emptoris Contract Management Buy Side on Cloud Advanced Add-On
- IBM Emptoris Contract Management Sell Side on Cloud
- IBM Emptoris Contract Management Sell Side on Cloud Read Only
- IBM Emptoris Contract Management Sell Side on Cloud for Non-Production Environment
- IBM Emptoris Contract Management Sell Side on Cloud Advanced Add-On

- IBM Emptoris Contract Management for Commercial Banking Agreements on Cloud
- IBM Emptoris Contract Management for Commercial Banking Agreements Read Only
- IBM Emptoris Contract Management for Commercial Banking Agreements on Cloud for Non-Production Environment
- IBM Emptoris Sourcing on Cloud
- IBM Emptoris Sourcing on Cloud Read Only
- IBM Emptoris Sourcing on Cloud for Non-Production Environment
- IBM Emptoris Sourcing on Cloud Advanced Add-On
- IBM Emptoris Sourcing on Cloud Burst Option for EchOSTM
- IBM Emptoris Sourcing on Cloud Event Monitoring
- IBM Emptoris Program Management on Cloud
- IBM Emptoris Program Management on Cloud Read Only
- IBM Emptoris Program Management on Cloud for Non-Production Environment
- IBM Emptoris Spend Analysis on Cloud
- IBM Emptoris Spend Analysis on Cloud Read Only
- IBM Emptoris Spend Analysis on Cloud for Non-Production Environment
- IBM Emptoris Spend Analysis on Cloud Advanced Add-on

与上述所列产品结合使用的 IBM SaaS 必须遵循交易文档中列出的条款以及与此产品相关的使用条款。

IBM 使用条款

第 2 部分 - 国家或地区专用条款

以下条款取代或修改第 1 部分中的相应内容。第 1 部分中未因这些修改而更改的条款保持不变并继续生效。第 2 部分由此“使用条款”的修正案组成，结构如下：

- 美洲国家或地区修正案；
- 亚太国家或地区修正案；以及
- 欧洲、中东和非洲国家或地区修正案。

美洲国家或地区修正案

伯利兹、哥斯达黎加、多米尼加共和国、萨尔瓦多、海地、洪都拉斯、危地马拉、尼加拉瓜及巴拿马

5.1 Automatic Renewal of a Subscription Period

The following replaces the paragraph that begins "IF IBM DOES NOT RECEIVE SUCH AUTHORIZATION BY THE EXPIRATION DATE":

IBM will renew, for an additional payment, the expiring IBM SaaS Subscription Period for a one year term at the same price and billing frequency, if IBM or Customer's reseller receives (1) Customer's order to renew (e.g., order form, order letter, purchase order) prior to the expiration of the current Subscription Period or (2) Customer's payment within 30 days of Customer's receipt of the IBM SaaS invoice for the next term.

阿根廷、巴西、智利、哥伦比亚、厄瓜多尔、墨西哥、秘鲁、乌拉圭及委内瑞拉

5.1 Automatic Renewal of a Subscription Period

Does not apply for Public Bodies who are subject to the applicable Public Sector Procurement Legislation.

巴西

5.1 Automatic Renewal of a Subscription Period

The following is added after the second paragraph:

The transaction document will describe the process of the written communication to Customer containing the applicable price and other information for the renewal period.

美国

5.1 Automatic Renewal of a Subscription Period

The following sentence is added at the end of the paragraph that begins "IF IBM DOES NOT RECEIVE SUCH AUTHORIZATION BY THE EXPIRATION DATE" in 5.1 Automatic Renewal of a Subscription Period:

CUSTOMER MAY TERMINATE THE IBM SaaS AT ANY TIME AFTER THE END OF THE INITIAL SUBSCRIPTION PERIOD ON ONE MONTH'S WRITTEN NOTICE, EITHER DIRECTLY TO IBM OR THROUGH CUSTOMER'S IBM RESELLER, AS APPLICABLE, IF IBM HAS NOT RECEIVED CUSTOMER'S WRITTEN AUTHORIZATION (e.g., order form, order letter, purchase order) TO RENEW CUSTOMER'S EXPIRING IBM SaaS SUBSCRIPTION PERIOD. IN SUCH EVENT, CUSTOMER MAY OBTAIN A PRORATED REFUND.

亚太国家或地区修正案

孟加拉国、不丹及尼泊尔

5.1 Automatic Renewal of a Subscription Period

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欧洲、中东和非洲（EMEA）国家或地区修正案

巴林、科威特、阿曼、卡塔尔、沙特阿拉伯及阿拉伯联合酋长国

5.1 Automatic Renewal of a Subscription Period

The following replaces the paragraph that begins "IF IBM DOES NOT RECEIVE SUCH AUTHORIZATION BY THE EXPIRATION DATE" in 5.1 Automatic Renewal of a Subscription Period:

IBM will renew, for an additional payment, the expiring IBM SaaS Subscription Period for a one year term at the same price and billing frequency, if IBM or Customer's reseller receives (1) Customer's order to renew (e.g., order form, order letter, purchase order) prior to the expiration of the current Subscription Period or (2) Customer's payment within 30 days of Customer's receipt of the IBM SaaS invoice for the next term.



附录 A

IBM Emptoris Strategic Supply Management on Cloud 使客户能够访问客户具有有效权利的合格 IBM SaaS 产品服务。可以使用 IBM Emptoris Strategic Supply Management on Cloud 的授权用户权利，代替个别 IBM SaaS 产品服务必需的授权用户权利。

每个个别 IBM SaaS 产品服务的使用条款提供 Emptoris Strategic Supply Management on Cloud 授权用户访问的适用 IBM SaaS 产品服务的规范和任何限制使用条款。