



Software Maintenance Agreement

Congratulations!

You have not only purchased BarTender, the world's leading software for label, barcode, RFID and card printing, but you have also committed to maintaining the value of your investment. When you are a current, paid subscriber to Software Maintenance for BarTender, you can request and receive free updates any time a new version becomes available. If you don't feel like upgrading when a new version comes out, you don't have to. However anytime you want access to new features, expanded support for compliance standards, and compatibility with future versions of Windows, it's all there – ready for you to download.

If you would like to take advantage of an update that becomes available, simply provide your reseller or Seagull Scientific with your existing PKC (product key code) and we will:

- Confirm that your Software Maintenance subscription is current, and
- E-mail you a new PKC that will allow you to download and use the latest version of BarTender.

The Parties

This Software Maintenance Agreement ("Agreement") is between Seagull Scientific, Inc. ("Seagull"), a corporation of the State of Washington, USA, with its principal place of business at 15325 SE 30th Place, Suite 100, Bellevue, WA, 98007, USA and the business entity you represent ("you").

In order to purchase, activate, and/or renew Software Maintenance, you agree to the following:

Effective Date

For Software Maintenance being purchased within 30 days of purchasing new software, the Effective Date of this Agreement is the same as the date you purchased your software. The first Anniversary Date comes exactly one year later.

Payment Required

Software Maintenance becomes active only after payment is received. It is not sufficient to simply place *an order* for maintenance.

Standard Term and Renewal

The standard Software Maintenance Agreement term is for one year, although longer terms are available upon request. To renew your Software Maintenance Agreement, contact your reseller or Seagull at least 30 days before expiration. Maintenance renewal does not become effective until we have received payment for the new term. If payment for renewal is not received prior to the end of the 30-day grace period following your anniversary date, your maintenance agreement will expire.

Maintenance Upgrades

If you upgrade your Software License to a higher edition or increase the number of licensed printers, then the annual maintenance fee will be adjusted based on the list price of the *upgraded* Licensed Software. The difference between the previous and new maintenance fees is due at the time of upgrade. This fee difference is handled by purchasing a “maintenance upgrade” for the number of months remaining in the current maintenance term.

Moving the Anniversary Date

Upon request to Seagull, the Anniversary Date may be changed to a later date. Payment for the additional months of maintenance for the additional software maintenance coverage is due at the time of change.

Cancellation for Non-Payment

If payment for renewal is not received prior to the end of the 30-day grace period following your anniversary date, your maintenance agreement will expire. To re-instate your maintenance agreement, we will require you to backpay maintenance to the date it expired.

Termination

Seagull Scientific may, at its discretion, decline to renew any Software Maintenance Agreement.

Adding Maintenance to Older Software Installations

Software Maintenance may be added to existing Licensed Software for which maintenance had not previously been purchased, although there may be significant additional cost, depending on whether Seagull released any *paid* software updates since the time of the original software purchase.

- If *no* paid updates were released: The user simply pays any unpaid maintenance fees necessary to cover the period between the original activation date of the software and the current date.

or

- If *paid* updates were released: The user must pay for all updates required to bring the purchased software to the current release level. The *current* prices of the updates will be in effect. (These updates would have been free if Software Maintenance had been in effect starting with the original purchase date of the software.)

Refunds

Maintenance fees are not refunded under any circumstances.