

# Upgrade Policy

4INDUSTRY  
9/21/22

## UPGRADE POLICY

### 1. DEFINITIONS

"Release Family" is a complete solution with new features or enhancements to the Subscription Service, including previously released Updates, if applicable.

"Upgrades" are new Release Families applied by 4Industry to Customer's instances of the Subscription Service at no additional fee during the Subscription Term.

"Updates" are 4Industry releases (including patches and hotfixes) of the Subscription Service applied by 4Industry to Customer's instances of the Subscription Service at no additional fee during the Subscription term that provide problem fixes or other changes, but do not generally include new functionality.

### 2. UPGRADES AND UPDATES

4Industry shall determine, in its sole discretion: (a) whether and when to develop, release and apply any Update or Upgrade to Customer's instances of the Subscription Service; and (b) whether a particular release is an Update, Upgrade or new service offering that is available separately for purchase.

4Industry has the discretion to provide new functionality either: (a) as an Upgrade, or (b) as different software or service for a separate fee. 4Industry determines whether and when to develop, release, and apply any Upgrade or Update to Customer's instances of the Subscription Service. Customer will receive two upgrades of the 4Industry Products free of charge. Any changes, additions, required configurations due to these upgrades are not included in the fees and will, when agreed, be invoiced separately by 4Industry to the Customer.

### 3. NOTICE

4Industry shall use reasonable efforts (a) to give Customer 30 days' prior notice of any Upgrade to the Subscription Service And (b) shall use reasonable efforts to give Customer 10 days' prior notice of any Update. Notwithstanding the foregoing, 4Industry may provide Customer with a shorter or no notice period of an Upgrade or Update if, in the reasonable judgment of 4Industry it is necessary to: (i) maintain the availability, security, or performance of the Subscription Service; (ii) comply with law; or (iii) avoid infringement or misappropriation of any third-party Intellectual Property Right.

### 4. SUPPORTED AND NON-SUPPORTED RELEASE FAMILIES

4Industry supports the current version of Customers Instance to the Subscription Services and the previous version thereof (N-1). This means that Customers will be upgraded automatically to a new version of Customers Instance to the Subscription Service. In case Customer opts out for an Upgrade, Customers Instance to the Subscription Services are not supported. Customer needs to ensure that any (mobile) devices used in relation the 4Industry Products meet this requirement.