**Policy & Procedure: Use of Open Source Software**

1. **Purpose**

This policy is in place to help Shockwave ensure proper compliance with licensing for various open source software that is introduced into or used in connection with Shockwave’s proprietary software products or for internal use by Shockwave employees.

1. **Definition of Open Source Software**

Open source software (“OSS”) is defined here as software developed either privately or through collaborative, informal networks of professional or amateur software developers and programmers who have agreed via some licensing mechanism to the software and the source code to be made available to other developers and end‐users subject to open source software license agreements including but not limited to GNU GPL, LGPL, BSD, Artistic, Mozilla, MIT, Apache or other similar OSS licensing mechanisms.

**III. Procedures to Limit the Risk Associated with OSS**

**Make the Legal department part of the product development process as early as possible.**
Shockwave’s software developers and engineers must investigate and understand the terms and conditions of the various OSS license agreements applicable to the OSS that is being considered for use. The software engineers and developers can help the company understand the technical application and nuances of the proposed OSS use and how its method of use fits in with OSS licensing requirements and limitations. Once everyone involved understands the benefits and risks, then the next steps are as follows:

1. ensure that Shockwave is allowed to use the OSS for its intended scope of use;
2. ensure that Shockwave can develop and distribute commercial and noncommercial applications and services with the OSS if desired;
3. **Policy for OSS Used in or with Shockwave Proprietary Software or Products**
4. **Scope**

Proprietary Shockwave software is the software that is created by Shockwave as part of its business for use by customers and partners of all types. Examples include Shockwave software such as \_\_\_\_\_\_\_\_\_\_\_\_\_ as well as Shockwave tools provided for download on the Support section of the website.

1. **What is the Process for Approval?**

Introduction of OSS software within Shockwave or for use with or in Shockwave proprietary software products, without approval of the Legal Department, is generally prohibited. **For avoidance of doubt, any use of GNU GPL or LGPL software or source code in connection with Shockwave proprietary software and products is strictly prohibited and any proposed use of such licensed software or source code must be submitted for approval prior to any use of such software or source code.**

OSS to be introduced into Shockwave proprietary software production must be approved by Legal. The following criteria should be met:

a. The OSS must have a measurable benefit.

b. There is no equivalent Shockwave software or solution already deployed or easily available.

c. The use of the OSS must be endorsed by the relevant software development manager.

d. A community supporting the software must exist, be active and verifiable; and

e. The OSS Application form (see Appendix A) must be completed by the applicant and submitted by email to the address Legal@Shockwave.com for approval.

Once approved, new versions of the OSS already approved are not required to go through the acceptance process again unless:

1. the license terms have changed.

2. there is a new version of the OSS that incorporates new features or the new version will be used in a different manner or scope that the prior version; or

3. some other factor has arisen that makes it necessary to review the OSS again.

1. **Documentation**

If approved for use, all instances of OSS in Shockwave products must be documented within the source code for easy future identification with a simple search. This includes the name of the OSS, where it was downloaded from, when it was first incorporated into the software, how it is licensed and whether it was modified or enhanced in any way (including sufficient details). An identifier of “Open Source Usage” must also be included in this embedded documentation for easy search. **For avoidance of doubt, any proposed use of GNU GPL or LGPL software or source code must be submitted for approval prior to any use of such software or source code.**

1. **Compliance**

Shockwave expects its employees to comply with these policies and procedures and to seek guidance from Legal if the employee does not understand the policies and procedures set out in this document. If you suspect or know of a violation of these policies and procedures you should report the information to Legal immediately. Violations of these policies and procedures could result in disciplinary action up to and including termination of employment.

1. **Questions**

If you have questions about this policy, refer them to:

The Legal department at Legal@Shockwave.com.

Legal is responsible for publishing this policy.

**Appendix A: Application Form**

This application form is used to submit the open‐ source application request to Legal. Submit completed forms electronically to Legal@Shockwave.com.

1. Date of application:
2. Name of applicant:
3. Name of Open Source Software (include version # and a URL to the site where the Open Source Software can be downloaded):
4. Name of the Open Source License including version #. (Please attach a copy of the Open Source License and list a URL to the site where the license resides).
5. Are there any copyright notices or attribution requirements that accompany the use of the Open Source Software?
6. What functions does the Open Source Software perform?
7. How will Shockwave use, and benefit from, the functions of the Open Source Software?
8. Is there alternative method to achieve these functions without the use of the Open Source Software?
9. Will the Open Source Software be used only internally? If so, please describe the intended use.
10. Will the Open Source Software incorporated into Shockwave software or products? If so, in which product?
11. Will the Open Source Software be modified in any way by Shockwave? Please provide a detailed description.
12. If the Open Source Software is to be used with Shockwave software or products, will the Open Source Software be distributed in source code form or in an executable form?