

\IGCINE UKUBUYEKEZWA: 22 Juni 2021

ISIVUMELWANO SELAYISENSE YOMSEBENZISI WOKUGCINA SE-THE LINCOLN ELECTRIC COMPANY

Lesi Sivumelwano \Selayisense Yomsebenzisi Wokugcina (“\i-EULA\”) yisivumelwano esingokomthetho esiphakathi kwe-The Lincoln Electric Company, Ibhizinisi lase Ohio, elizinze endaweni yebhizinisi ye-\22801 St. Clair Avenue, Cleveland, Ohio 44117 (“\Lincoln\”) kanye nenkampani, inkampani enesibopho esilinganiselwe, noma elinye ibhizinisi noma umuntu (ngamunye “\Umsebenzisi Ogunyaziwe\” noma “\wena\”) osebenzisa umkhiqizo \lapho kufakwa khona izinhlelo zokusebenza zesofthiwe yakwa-Lincoln (“\Uhlelo Lokusebenza Olunelayisense\”), zibhalisa i-akhawunti Nomgunyazi Wewebhusayithi (njengoba kuchaziwe ngezansi), noma ngenye indlela zivume ukuboshwa yimigomo nemibandela elapha. Ngezinhloso zale EULA, igama elithi Uhlelo Lokusebenza Olunelayisense lifaka zonke izinto zesofthiwe, noma yiziphi izinto eziprintiwe kanye/noma amafayela osizo aku-inthanethi noma we-elektroniki namamanuwali amayelana Nohlelo Lokusebenza Olunelayisense, kanye neminye imininingwane noma izizindalwazi (“\Uhlelo Lokusebenza Lwesizindalwazi\”) ezingafinyeleleka Ngehlelo Lokusebenza noma ngokunye okuhlobene nalokho. \I-Lincoln inikeza Abasebenzisi Abagunyaziwe ilungelo lokufinyelela nokusebenzisa Uhlelo Lokusebenza Olunelayisense Nohlelo Lokusebenza Lwesizindalwazi ngokulandela imigomo yale EULA

NGOKUNGENA, UKUDAWUNILODA, UKUFAKA, UKWENZA, UKUKOPISHA, NOMA UKUSEBENZISA IWEBHUSAYITHI YOMGUNYAZI, UHLELO LOKUSEBENZA OLUNELAYISENSE, UHLELO LOKUSEBENZA LWESIZINDALWAZI, UMSEBENZISI OGUNYAZIWE UYAVUMA UKUBOSHWI YIMIGOMO YALE EULA. UMA UNGAVUMELANI NEMIBANDELA YALE EULA, UNGANGENI UKUZE UDAWUNILODE, UKUFAKA, WENZE, UKOPHISHE NOMA USEBENZISE UHLELO LOKUSEBENZA OLUNELAYISENSE NOMA UHLELO LOKUSEBENZA LWESIZINDALWAZI.

\IZINCAZELO:

A. Uhlelo Lokusebenza Olunelayisense Nohlelo Lokusebenza Lwesizindalwazi ziyatholakala ngewebhusayithi eku-\www.LincolnElectric.com\ (“\Iwebhusayithi Yomgunyazi\”). \I-Lincoln inikeza Abasebenzisi Abagunyaziwe ilungelo lokufinyelela nokusebenzisa Uhlelo Lokusebenza Olunelayisense Nohlelo Lokusebenza Lwesizindalwazi Ngewebhusayithi Yomgunyazi, nelungelo lokulayisha idatha Ohlelweni Lokusebenza Lesizindalwazi bese ugcina leyo datha Kuhlelo Lokusebenza Lesizindalwazi, ngokwale EULA. Ilungelo lokufinyelela nokusebenzisa Uhlelo Lokusebenza Olunelayisense Nohlelo Lokusebenza Lwesizindalwazi Ngewebhusayithi Yomgunyazi, nelungelo lokulayisha idatha Ohlelweni Lokusebenza Lesizindalwazi bese ugcina leyo datha Kuhlelo Lokusebenza Lesizindalwazi, kungaphansi kokwamukelwa kwale EULA Ngumsebenzisi Ogunyaziwe nemigomo nemibandela ebekwe lapha.

B. Iwebhusayithi Yomgunyazi, Uhlelo Lokusebenza Olunelayisense kanye Nohlelo Lokusebenza Lesizindalwazi zivikelwe yimithetho esebenzayo, yezwe, yasekhaya neyangaphandle, imithetho, imithethonqubo nezivumelwano, kuhlangukanye, ngaphandle komkhawulo, i-United States nemithetho yamalungelo obunikazi angaphandle kanye nezivumelwano zamalungelo obunikazi aphešheya.

C. Isicelo esinelayisense siqukethe ezinye noma zonke izinhlobo ezilandelayo zesofthiwe: (i) isofthiwe enikeza ngamasevisi noma ukusebenza kukhompuyutha esebenza njengeseva, kanye (ii) nesofthiwe yamakhassimende evumela ikhompuyutha, indawo yokusebenza, itheminali, i-PC ephathwa ngesandla, i-pager, ucingo, i-smart phone, noma enye idivayisi ye-elektroniki ukufinyelela noma ukusebenzisa amasevisi noma ukusebenza okuhlinzekwa yisofthiwe yeseva.

KHONA-KE, MANJE, ngokushintshanisa izethembiso ezihlanganyelwe ezivezwe kule EULA, kanye nokunye okuhle nokubalulekile, irisidi, ukwanela nokulingene okuvunyelwayo ngalokhu, amalungu avumelana ngale ndlela ngalokhu:

1. \Imigomo Evamile

- a. \Ukunikezwa Kwelayisense. Kuncike ekutheni Umsebenzisi Ogunyaziwe uyayamukela yini le-EULA futhi uhambisana nayo yonke imigomo nemibandela yale EULA, ngaphansi kwale EULA Lincoln ngalokhu unikeza Umsebenzisi Ogunyaziwe ngamunye ilayisense elinganiselwe, engakhethiyo, engenakudluliswa, \engabeki,

ilayisense ebuyisekayo yezinhloso zangaphakathi Zomsebenzisi Ogunyaziwe wenhlangano yokufinyelela nokusebenzisa Uhlelo Lokusebenza Olunelayisense Nohlelo Lokusebenza Lwesizindalwazi Ngewebhusayithi Yomgunyazi, nelungelo lokulayisha idatha Ohlelweni Lokusebenza Lesizindalwazi bese ugcina leyo datha Kuhlelo Lokusebenza Lesizindalwazi eliphokophelwe kule EULA\.

- b. **Ilayisense Yangempela.** Amalungu ayazamukela izinhloso zawo zenhlanganyelo ukuthi ilayisense enikezwe ngaphansi kwale EULA ithathwa njengelayisense yangempela hhayi ukuthengiswa Kohlelo Lokusebenza Olunelayisense, Uhlelo Lokusebenza Lwesizindalwazi, kanye nanoma iyiphi into noma ingxenye yalo, noma elinye nelinye ilungelo lobunikazi, i-copyright, uphawu lokuhweba, imfihlo yezohwebo noma amanye amalungelo obunikazi akuyo noma alapho.
- c. **Ifa elilodwa.** Umsebenzisi Ogunyaziwe angasebenzisa Uhlelo Lokusebenza Olunelayisense kukhompuyutha eyodwa kuphela ephethwe noma elawulwa yilowo Msebenzisi Ogunyaziwe endaweni eyodwa ephethwe noma elawulwa Umsebenzisi Ogunya\ziwe.
- d. **\Indawo Ezungezile Egunyaziwe Yomsebenzisi.** Umsebenzisi Ogunyaziwe uvumelekile ukungena futhi asebenzise Uhlelo Lokusebenza Olunelayisense kanye \ Nohlelo Lokusebenza Lesizindalwazi ekuhlanganisweni kwehadiwe nesofthiwe emagcekeni Omsebenzisi Ogunyaziwe ngenhloso yokuvumela Umsebenzisi Ogunyaziwe ukuthi aqhube ibhizi\nisi elivamile ngokokuqhutshwa (“\Indawo Ezungezile Egunyaziwe Yomsebenzisi\”). \Umsebenzisi Ogunyaziwe ubophezeleke ngokuphelele kunoma iziphi izingcuphe nezindleko, kuhlanganise nalezo ezihlobene nobunikazi, ukuqashisa, ukuqasha, ukusebenza, ukunakekela, amalayisense nokusekelwa okuphathelele Nendawo Ezungezile Egunyaziwe Yomsebenzisi. I-Lincoln ayinacala nganoma yimuphi umonakalo ohlobene nokufinyelela nokusebenzisa Uhlelo Lokusebenza Olunelayisense Nohlelo Lokusebenza Lesizindalwazi \ Endaweni Ezungezile Egunyaziwe Yomsebenzisi (futhi ngeke ibe nesibopho mayelana nokufinyelela Komsebenzisi Ogunyaziwe futhi isebenzise Uhlelo Lokusebenza Olunelayisense Nohlelo Lokusebenza Lesizindalwazi Kwindawo Ezungezile Egunyaziwe Yomsebenzisi).
- e. **\Ukuxhumeka Komsebenzisi Ogunyaziwe ku-Inthanethi.** Umsebenzisi Ogunyaziwe uyaqhubeka nokuqonda, amukele futhi avume ukuthi ukufinyelela ezicini ezithile ngaphakathi Kohlelo Lokusebenza Olunelayisense, kuhlanganisa kodwa akukhawulelwe ekubhalisweni Kohlelo Lokusebenza Olunelayisense, kudinga ukuxhumeka kwe-inthanethi okugunyazelwe Umsebenzisi Ogunyaziwe kuphela. Umsebenzisi Ogunyaziwe \nesibopho sokukhokha noma yiziphi izinkokhelo ezivela eceleni ezihambisana nokukhishwa kokhumo lwe-Inthanethi Yomsebenzisi Ogunyaziwe, kuhlanganise kodwa kungakhawulelwe kumhlinzeki wesevisi ye-Inthanethi noma izindleko ze-airtime. Ukusebenza Kohlelo Lokusebenza Olunelayisense kungalinganiselwa noma kukhawulelwe ngokuya ngamakhono, umkhawulokudonsa noma ukulinganiselwa kobuchwepheshe boxhumo \lwe-Inthanethi nesevisi Yomsebenzisi Ogunyaziwe. Umsebenzisi Ogunyaziwe uyaqonda, uyamukela futhi uyavuma ukuthi ukuxhumana nge-Inthanethi ngokuqondene Nohlelo Lokusebenza Olunelayisense kunikezwa ngamalungu wesithathu i-Lincoln engenamandla wokubalawula, futhi kubuswa imigomo efanale yalawo malungu wesithathu. Ukuhlinzekelwa, ikhwalithi, ukutholakala kanye nokuvikeleka kokuxhumeka okunjalo kwe-Intanethi, isofthiwe kanye namasevisi kungumthwalo wenkampani yangaphandle ngokuphelele.

2. \\\Ithemu Nokunqanyulwa; Ukuchibiyela

- a. **\\\Ithemu.** Le EULA izosebenza kusukela ekwamukelweni kwale EULA Ngumsebenzisi Ogunyaziwe futhi izohlala isebenza \ isikhathi esingangonyaka owodwa (1) (“\Ithemu Yokuqala\”), ngaphandle kwalapho uma i-EULA inqanyuliwe ekuqaleni njengoba kuvunyelwe ngaphansi kwale EULA. Ithemu Yokuqala izovuselelwa ngokuzenzakalela isikhathi esingeziwe sonyaka owodwa (1) \izinkathi (ngasinye, “\Ithemu Yokuvuselela\”) ngaphandle kwalapho uma kunqanyulwe ngaphambi kwesikhathi njengoba kuvunyelwe ngaphansi kwale EUL\A.
- b. **\Ukunqanyulwa.** Ngaphandle kokubandlulula amanye amalungelo, i-Lincoln ingaqeda le EULA ngokushesha lapho kuthunyelwa isaziso esibhaliwe sokunqanyulwa Komsebenzisi Ogunyaziwe uma Umsebenzisi Ogunyaziwe ehluleka ukuthobela imigomo nemibandela yale EULA. Ngaphezu kwalokho, ngaphandle kokuthi akuvunyelwe

wumthetho osebenzayo, i-Lincoln ingaqeda le EULA ngokushesha lapho kuthunyelwa isaziso esibhaliwe sokuyekiswa Kumsebenzisi Ogunyaziwe ngemuva kokuthi umamukeli eseqokiwe ngokuqondene \ nayo yonke noma ingxenye enkulu yamafa Womsebenzisi Ogunyaziwe noma isicelo sokuqothuka noma sokufakwa kwemali esifakwe Ngumsebenzisi Ogunyaziwe noma ngokumelene naye, lesi sicelo asichithiwe kungakapheli izinsuku ezingamashumi ayisithupha (60) kulandela ukuqalwa kwaso. Ngaphezu kwalokho, i-Lincoln ingayinqamula le EULA, iphelele noma iyingxenye, ukuze kube lula, noma ngaphandle kwembangela, ngesikhathi sokuqala noma nganoma yisiphi isikhathi sokuvuselela ngokunikeza Umsebenzisi Ogunyaziwe isaziso sokuqeda izinsuku ezingekho ngaphansi kwezinsuku ezingamashumi amathathu (30) ngaphambi kosuku lokuqala ukusebenza kokunqa\nyulwa.

- c. **\Ukuqala Ukusebenza Kokunqanyulwa noma Ukuphelelwa Yisikhathi.** Uma kwenzeka ukuqedwa noma ukuphelelwa yisikhathi kwale EULA, amalayisense anikezwe ngezansi azonqanyulwa bese Umsebenzisi Ogunyaziwe uzoyeka ngokushesha ukufinyelela nokusebenza Uhlelo Lokusebenza Olunelayisense kanye Nohlelo Lokusebenza Lesizindalwazi, ayeke ukungena Kumgunyazi Wewebhusayithi, futhi uzobuyisela i-Lincoln wonke amakhophi we-EULA Wohlelo Lokusebenza Olunelayisense kanye Nohlelo Lokusebenza Lesizindalwazi noma ezinye izinto ezinikeziwe ngokuqondene nale EULA kokuzotholwa Umsebenzisi Ogunyaziwe noma olungaphansi kolawulo lwakhe. \Ukunqanyulwa noma ukuphela kwalesi sikhathi se-EULA kuzoba ngaphandle kokubandlulula noma yiliphi elinye ilungelo noma ikhambi lapho i-Lincoln ingaba nelungelo layo ngaphansi kwale EULA noma umthetho osebenzayo. Ukunqanyulwa noma ukuphela kwalesi sikhathi se-EULA ngeke kususe Umsebenzisi Ogunyaziwe ezibophweni zakhe ezivela ngezansi ngaphambi kokunqanyulwa noma kokuphela kwale EULA noma okuzosinda ekunqanyulweni noma ekuphelelweni yisikhathi kwale EULA.
3. **\Izichibiyelo.** I-Lincoln inelungelo lokushintsha noma lokuguqula le EULA ngokuthumela i-EULA ebuyekeziwe enalezo \zinguquko noma ukuguqulwa Kumgunyazi Wewebhusayithi. \Zonke lezo zinguquko (a) zizosetshenziswa ngendlela efanele ngosuku “Lokugcina Ukubuyekizwa” futhi (b) zizosebenza ngokufanayo kubo bonke abanikazi bamalayisense Bohlelo Lokusebenza Olunelayisense. Uma noma yiziphi izinguquko kule EULA zingamukeleki Kumsebenzisi Ogunyaziwe, Umsebenzisi Ogunyaziwe angaqeda le EULA ngesaziso esibhaliwe sokunqanyulwa kwe-Lincoln zingakapheli izinsuku ezingamashumi amathathu (30) kulandela usuku lokuqala lalolo shintsho noma inguquko, uma nje Umsebenzisi Ogunyaziwe ethobela zonke ezinye izibopho zokunqamula ezisebenzayo ezichazwe lapha. Ukusetshenziswa okuqhubekayo Kohlelo Lokusebenza Olunelayisense kulandela usuku lokuqala lokusebenza kwanoma yiziphi izinguquko noma ukuguqulwa okusho ukwamukela Komsebenzisi \Ogunyaziwe lezi zinguquko. \Le EULA ingahle ichitshiyelwe nganoma yimiphi imigomo noma imibandela ephrintwe kusengaphambili \ye-oda lokuthenga.
4. **Isifthiwe Yokwenezela.** Noma iyiphi isifthiwe enikezwe Umsebenzisi Ogunyaziwe yi-Lincoln evuselela noma enezela Uhlelo Lokusebenza Olunelayisense langempela noma Uhlelo Lokusebenza Lesizindalwazi iyingxenye Yohlelo Lokusebenza Olunelayisense kanye Nohlelo Lokusebenza Lesizindalwazi, njengoba kungaba njalo, futhi ilawulwa yile EULA, ngaphandle kwalapho uma kuhlinzekwa eminye imigomo yokusetshenziswa ngezibuyekezo ezinjalo noma izithasiselo lapho kuzosebenza khona leyo migomo yokusetshenziswa. Noma iyiphi isoftware enikezwe umsebenzisi ogunyaziwe kanye Nohlelo Lokusebenza Olunelayisense noma Uhlelo Lokusebenza Lesizindalwazi elihlotshaniwa nelayisense ehlukele yomsebenzisi wokugcina noma esinye isivumelwano sinikezwe ilayisense Kumsebenzisi Ogunyaziwe ngaphansi kwemigomo yalesi sivumelwano esihlukele, ngaphandle kwalapho uma le EULA ibeka ngokuqondile imigomo yokusetshenziswa kwaleyo softiwe, lapho kwenzeka khona imigomo ebekwe kule EULA izosebenza kuyo.
5. **\Isifthiwe Yelungu Lesithathu.** Uhlelo Lokusebenza Olunelayisense lungahlanganisa izinto ezinikezwa yilungu lesithathu \(\“Uhlelo Lokusebenza Lelungu Lesithathu\”) noma ezingaphansi kwesivumelwano selayisense yomthombo ovulekile, kuhlanganise nezinto ezitholakala ngaphansi kwe-GNU Affero General Public License, i-GNU General Public License, i-GNU Lesser General Public License, i-Mozilla Public License, i-Apache License, amalayisense e-BSD, noma enye ilayisense evunyelwe yi-Open Source Initiative (ngayinye ngayodwa, noma ngokuhlanganyela, ebizwa ngokuthi \(\“Yinto Yomthombo Ovulekile\”). \Noma yikuphi ukusetshenziswa Kohlelo Lokusebenza Lelungu Lesithathu noma Into Yomthombo Ovulekile Yomsebenzisi Ogunyaziwe izolawulwa kuphela yimigomo nemibandela yelayisense echazayo Yohlelo Lokusebenza Lelungu Lesithathu

noma amalayisense emithombo evulekile hhayi ngemigomo yale EULA. Uma kufanele, amalayisense afanele azobekwa ku-readme noma mayelana namafayela Wohlelo Lokusebenza Olunelayisense noma i-Lincoln iwenze atholakale ngenye indlela.

6. **Amalinki Wangaphandle.** Uhlelo Lokusebenza Olunelayisense kanye Nohlelo Lokusebenza Lesizindalwazi lingaqakatha izixhumanisi zamawebhusayithi angaphandle nolwazi olunikezwe kulawo mawebhusayithi angaphandle ngabalingani be-Lincoln kanye nabahlinzeki bamasevisi abavela eceleni. I-Lincoln ngeke ibe nesibopho ngokuqokethwe kwanoma iyiphi iwebhusayithi exhunyiwe.
7. **Incazelo Ywamanye Amalungelo Nokulinganiselwa**
 - a. **Ukulinganiselwa Kokuyisebenzisa.** Umsebenzisi ogunyaziwe ngeke: (i) amakethe, athengise, asabalalise, afake imali encane, asebenzise, aguqule, ahumushe, akhiqize kabusha, enze imisebenzi ethathwe kokunye, alahle, aqashe, aqashise, noma agunyaze noma avumele ukufinyelela noma ukusetshenziswa kwanoma iyiphi ingxenye Yohlelo Lokusebenza Olunelayisense noma Uhlelo Lokusebenza Lesizindalwazi ngaphandle kokuthi kuvunyelwe ngokusobala kule EULA; (ii) afinyelele noma asebenzise, noma avumele Uhlelo Lokusebenza Olunelayisense noma Uhlelo Lokusebenza Lesizindalwazi ukuthi litholakale noma lisetshenziswe, kwihhovisi lesevisi yamakhompiyutha, ekwabelaneni ngesikhathi, noma ekuhlelweni kwethelevishini yekhebula noma kuhlelo lwenethiwekhi; (iii) ahlehlise unjiniyela, ahlukalise, noma aqhekeze Uhlelo Lokusebenza Olunelayisense noma Uhlelo Lokusebenza Lesizindalwazi, ngaphandle kwalapho uma lowo umsebenzi evunyelwe ngokusobala wumthetho; (iv) athekelise noma asebenzise Uhlelo Lokusebenza Olunelayisense noma Uhlelo Lokusebenza Lesizindalwazi ngokwephula umthetho wase-U.S., kuhlangukise nemithethonqubo yokuphathwa kokuthekelisa yoMnyango Wezohwebo; (v) asuse noma yiliphi ilungelo lobunikazi nezinye izaziso zobunikazi eziqukethwe Ohlelweni Lokusebenza Olunelayisense noma Uhlelo Lokusebenza Lesizindalwazi; noma, (vi) ukufinyelela nokusebenzisa Uhlelo Lokusebenza Olunelayisense noma Uhlelo Lokusebenza Lesizindalwazi nganoma iyiphi indlela engahambisani nemigomo yale EULA.
 - b. **Izibopho Ezengeziwe.** Umsebenzisi Ogunyaziwe uzoyithobela ngokugcwele yonke imithetho, imitheshwana, kanye nemithethonqubo yombuso, yezwe, yasekhaya, yamazwe omhlaba kanye neyangaphandle mayelana nokutholakala kwayo, nokusetshenziswa kwayo, Uhlelo Lokusebenza Olunelayisense kanye Nohlelo Lokusebenza Lesizindalwazi noma ukusetshenziswa kwalo yinoma yimuphi umsebenzi noma i-eyenti lomsebenzisi Ogunyaziwe. Uhlelo Lokusebenza Olunelayisense noma Uhlelo Lokusebenza Lesizindalwazi lingatholakala futhi lisetshenziswe kuphela ngohlobo nangendlela evunyelwe yi-Lincoln ngokubona kwayo kuphela, nangokwemigomo nemibandela yale EULA. Ukuthi Uhlelo Lokusebenza Olunelayisense noma Uhlelo Lokusebenza Lesizindalwazi lihlangukise noma yiluphi uphawu lwentengiso, uphawu lwesevisi, igama lokuhweba, noma igama lenkampani lase-Lincoln noma abanikezeli balo bamalayisense (ngokuhlangukisa, “Amamaki”), Umsebenzisi Ogunyaziwe uzosebenzisa lawo maMark ngokuqinile ngokuya ngophawu lwentengiso lase-Lincoln amazinga, izinqubomgomo kanye nezinqubo njengoba kucacisiwe yi-Lincoln ngezikhathi ezithile. Ilungelo lokufinyelela nokusebenzisa Uhlelo Lokusebenza Olunelayisense noma Uhlelo Lokusebenza Lesizindalwazi elingezansi likhawulelwe kubasebenzi abagunyaziwe Bomsebenzisi Ogunyaziwe nemisebenzi yangaphakathi Yomsebenzisi Ogunyaziwe. Umsebenzisi Ogunyaziwe uzokhiqiza kabusha ilungelo lokukopa le-Lincoln izaziso nezinye izaziso zobunikazi kuwo wonke amakhophi Wohlelo Lokusebenza Olunelayisense noma Wohlelo Lokusebenza Lesizindalwazi, futhi wonke amakhophi azoba ngaphansi kwemigomo, imibandela, nezibopho zale EULA.
8. **Isiqinisekiso Esilinganiselwe.** I-Lincoln iqinisekisa ukuthi Uhlelo Lokusebenza Olunelayisense lizosebenza kakhulu ngokuhambisana nemibhalo ebhaliwe ehambisana nayo isikhathi esiyizinsuku ezingamashumi ayisishiyagalolunye (90) kulandela ukwenzeka kwangaphambilini kosuku lokulethwa kohlelo **Uhlelo Lokusebenza Olusinelayisense noma ukufinyelela kokuqala Kuhlelo Lokusebenza Olugunyazwe Umsebenzisi Ogunyaziwe (“Isikhathi Sewaranti Enomkhawulo”).** **UMA OKUSHIWO YIWARANTI NOMA ISIMO SIBANGELWA NGUMSEBENZISI OGU NYAZIWE NOMA ISIPHATHIMANDLA KANYE NOMTHETHO OSEBENZAYO UVIMBELA UKUZIHLANGULA KWALESI SIQINISEKISO NOMA UMBANDELA, UMSEBENZISI OGUNYAZIWE UZOBA NEWARANTI NOMA UMBANDELA ONJALO, KODWA LAPHO KUTHOLAKALA KUPHELA AMAPHUTHA**

PHAKATHI NESIKHATHI SEWARANTI ESILINGANISELWE. NGOKUPHATHELENE NANOMA YIKUPHI UKUKHUBAZEKA OKUTHOLWE NGEMUVA KWESIKHATHI ESILINGANISELWE SEWARANTI, I-LINCOLN AYENZI IWARANTI NOMA ISIMO, ESIZWAKALAYO NOMA ESISHIWOYO, SANOMA YILUPHI UHLOBO. EZINYE IZIFUNDA/IZIPHATHIMANDLA AZIVUMELI IMIKHAWULO EKUTHENI IWARANTI NOMA ISIMO ESISHIWOYO SIHLALE ISIKHATHI ESINGAKANANI, NGAKHO-KE UMKHAWULO ONGENHLA AWUSEBENZI KUMSEBENZISI OGUNYAZIWE. NOMA IZIPHI IZENGEZO NOMA IZIBUYEKEZO ZOHLELO LOKUSEBENZA OLUNELAYISENSE, KUHLANGANISE NANGAPHANDLE KOMKHAWULO, NOMA IYIPHI IPHAKETHE NOMA ISEVISI ELUNGISELELWE NOMA EZUZISA UMSEBENZISI OGUNYAZIWE NGEMUVA KOKUPHELA KWESIKHATHI ESINQUNYELWE SEWARANTI ENGAHLANGANISIWE NGANOMA IYIPHI IWARANTI NOMA UMBANDELA, IVEZE NOMA ITHUMEL\\E.

9. ISITATIMENDE. NGAPHANDLE KWALAPHO UMA KUHAZWE NGENYE INDLELA KULE EULA, UKUFINELELA NOKUSETSHENZISWA KOHLELO LOKUSEBENZA OLUNAMALAYISENSE KANYE NOHLELO LOKUSEBENZA LESIZINDALWAZI KUNIKEZWA "NJENGOBA KUNJALO", "NAWO WONKE AMAPHUTHA". I-LINCOLN AYIQINISEKISI UKUFINELELA OKUQHUBEKAYO, OKUNGAPHAZANYISWA NOMA OKUPHEPHILE KOKUSEBENZISA IWEBHUSAYITHI YELAYISENSE, UHLELO LOKUSEBENZA OLUNELAYISENSE NOMA UHLELO LOKUSEBENZA LESIZINDALWAZI. NGAPHANDLE KWALAPHO KUHAZWE NGENYE INDLELA KULE EULA, UMA UMSEBENZISI OGUNYAZIWE ENGAGCULISEKI NGEWEBHUSAYITHI ENELAYISENSE, UHLELO LOKUSEBENZA OLUNAMALAYISENSE NOMA UHLELO LOKUSEBENZA LESIZINDALWAZI, NANOMA IYIPHI INGXYENYE YALO, IKHAMBHI ELILODWA LOMSEBENZISI OGUNYAZIWE UKUYEKA UKUFINELELA NOKUSEBENZISA IWEBHUSAYITHI ENELAYISENSE, UHLELO LOKUSEBENZA OLUNAMALAYISENSE NOMA UHLELO LOKUSEBENZA LESIZINDALWAZI. AMALUNGU AYAVUMA UKUTHI, NGAPHANDLE KWALAPHO KUHAZWE NGENYE INDLELA KULE EULA, AYIKHO IWARANTI NOMA UMBANDELA, OVEZWA NOMA OBEKIWE, OWENZIWAYO MAQONDANA NEWEBHUSAYITHI ENELAYISENSE, UHLELO LOKUSEBENZA OLUNAMALAYISENSE NOMA UHLELO LOKUSEBENZA LESIZINDALWAZI, KUFAKA PHAKATHI, NGAPHANDLE KOMKHAWULO, IZIQINISEKISO EZISETSHENZISIWE ZOKUTHENGISELANA, UKUFANELEKA NGENHLOSO ETHILE, ISIHLOKO, UKUJABULELA UKUTHULA, UKUPHATHA NGOKUTHULA, UKUXHUMANA NENCAZELO NOMA UKUNGAPHULI UMTHETHO MAQONDANA NEWEBHUSAYITHI ENELAYISENSE, UHLELO LOKUSEBENZA OLUNAMALAYISENSE NOMA UHLELO LOKUSEBENZA LESIZINDALWAZI. SICELA WAZI UKUTHI EZINYE IZIPHATHIMANDLA ZINGAVUMELA UKUKHISHWA OKUNGENHLA KWAMAWARANTI ASHIWO, NOKUTHI OKUNYE KOKUKHISHWA OKUNGENHLA KUNGENZEKA KUNGASEBENZI KUMSEBENZISI OGUNYAZIWE\\.
10. UMKHAWULO WESIBOPHO NOKULINGANISELWA KWESIBOPHO
 - a. \\UMKHAWULO WESIBOPHO. NGAPHANDLE KWANOMA YIKUPHI OKUPHAMBENE NOKUQUKETHWE KULE EULA, AKUNAKUSETSHENZISELWA UKUTHI ISIKWELETU SE-LINCOLN ESIPHELELE SIQHAMUKE MAQONDANA NOMA NGAPHANSI KWALESI SIVUMELWANO (KUNGABA NGAPHANSI KWEMIBONO YOKWEPHULA ISIVUMELWANO, UKUHLUKUNYEZWA, UKUMELWA KABI, UKUKHWABANISA, IWARANTI, UBUDEDENGU, ISIKWELETU ESIQINILE NOMA OMUNYE UMBONO WEZOMTHETHO) WEQE: (I) IMALI ENKULU NGOKUPHELELE EKHKHELWE KU-LINCOLN NGUMSEBENZISI OGUNYAZIWE NGAPHANSI KWALESI SIVUMELWANO; NOMA (II) U.S. \$5.00. UKULINGANISELWA OKUNGENHLA, UKUKHISHWA KANYE NOKUZIKHIPHA EMTHWALWENI KUZOSEBENZA KUZE KUFIKE EZINGENI ELIGUNYAZWE UMTHETHO OSEBENZAYO, NGISHO NOMA IKHAMBHI LIHLULEKA UKUFEZA INJONGO YALO EBALULEKILE\\.
 - b. UKULINGANISELWA KWESIBOPHO. NGAPHANDLE KOKUPHIKISANA NANOMA YINI EQUKETHWE KULE EULA NANGOBUKHULU OBUKHULU OBUVUNYELWE UMTHETHO OSEBENZAYO, I-LINCOLN NANOMA YIZIPHI IZIKHULU ZAYO, ABAQONDISI, ABASEBENZI, AMA-EJENTI NOMA ABAMELI NGEKE, NGAPHANSI KWANOMA YIZIPHI IZIMO, BABOPHEZELEKE KUMSEBENZISI OGUNYAZIWE NOMA OMUNYE UMUNTU, IFEMU NOMA IBHIZINISI (KUNGABA NGESENZO ESIVELA KWINKONTILEKA, UKUHLUKUNYEZWA NOMA ENYE INKOLELO YEZOMTHETHO) NGOKULIMALA OKUKHETHEKILE, OKUNGAHLE KWENZEKE, OKULANDELAYO, OKUYISIBONELO NOMA OKUNYE OKUVELA EKUFINELELENI NOMA EKUSETSHENZISWENI KWWEBHUSAYITHI YELAYISENSE, UHLELO LOKUSEBENZA OLUNELAYISENSE, UHLELO LOKUSEBENZA LESIZINDALWAZI, NOMA OKUNYE, NOMA KUNJALO KUBANGELWE, OKUHLANGANISA, NGAPHANDLE

KOMKHAWULO, LOWO MONAKALO OQHAMUKA (I) KULWAZI NOMA IDATHA ETHOLWE KUWEBHUSAYITHI YELAYISENSI, UHLELO LOKUSEBENZA OLUNAMALAYISENSE NOMA UHLELO LOKUSEBENZA LESIZINDALWAZI, (II) UKUTHEMBELA KWANOMA YIMUPHI UMUNTU KULWAZI NOMA IDATHA ETHOLWE KUMNIKAZI WELAYISENSI NOMA IWEBHUSAYITHI, ILAYISENSI YOKUFAKA ISICELO NOMA IMINININGWANE YOHLELO LOKUSEBENZA, (III) UKUDLULISWA KWEGCIWANE NOMA UKUSUSWA NOMA UKULAHLEKA KWAMAFAYELA NOMA I-IMEYILI, (IV) UKULAHLEKA KWEDATHA NOMA KOLWAZI KWANOMA YILUPHI UHLOBO, (V) UKULAHLEKELWA YINZUZO, UKUTHAKAZELELWA, UKUSETSHENZISWA, IDATHA NOMA OKUNYE UKULAHLEKA OKUNGAPHATHEKI (NOMA NGABE ULINCOLN WELULEKISIWE NGAMATHUBA OMONAKALO ONJALO), (VI) ISIKWELETU SOKULIMALA KOMUNTU SIQU, NOMA (VII) ISIKWELETU SELUNGU LESITHATHU.

11. **\\Ikhambi Elikhethekile.** Uma kwenzeka kwepulwe le EULA yi-Lincoln, abakwa-Lincoln nabahlinzeki bayo bonke kanye \nekhambi elilodwa nelikhethekile Lomsebenzisi Okugunyaziwe kuzoba ngokwesinqumo se-Lincoln: (a) ukubuyiselwa kwemali ekhokhelwe (uma ikhona) Ngumsebenzisi ogunyaziwe ukufinyelela nokusebenzisa Uhlelo Lokusebenza Olunelayisense kanye Nohlelo Lokusebenza Lesizindalwazi sale EULA, noma (b) ukulungisa noma ukufaka esikhundleni, Uhlelo Lokusebenza Olunelayisense kanye/noma Nohlelo Lokusebenza Lesizindalwazi; inqobo nje, noma kunjalo, ukuthi Umsebenzisi Ogunyaziwe ngeke abe nelungelo lokuthola ikhambi elingenhla uma kukhona iphutha noma inkinga Ngewebhusayithi Egunyaziwe, Uhlelo Lokusebenza Olunelayisense noma Nohlelo Lokusebenza Lesizindalwazi kuvela noma imiphumela yokwephula le EULA, ingozi, ukuhlukunyezwa, ukusetshenziswa kabi, okungajwayelekile noma okungagunyaziwe ukufinyelela noma ukusebenzisa, noma ukwethulwa kwegciwane noma enye ikhodi enonya, ngumsebenzisi ogunyaziwe noma yimuphi umsebenzi noma umenzeli Womsebenzisi ogunya\\ziwe.
12. **Ubunikazi Bempahla, Ukuvikelwa Kwelungelo Lokukopa.** Umgunyazi Wewebhusayithi, Uhlelo Lokusebenza Olunelayisense Nohlelo Lokusebenza Lesizindalwazi, kanye nanoma yimaphi amakhophi agunyaziwe Umsebenzisi Ogunyaziwe awenza lapho, ayimpahla yobunikazi futhi angewabakwa-Lincoln nabahlinzeki bayo. Isakhiwo, ukuhlelwa kanye nekodi Yewebhusayithi Egunyaziwe, Uhlelo Lokusebenza Olunelayisense kanye Nohlelo Lokusebenza Lesizindalwazi kuyimpahla ekhethekile, izimfihlo zokuhweba ezibalulekile neminingwane eyimfihlo ye-Lincoln kanye/noma abahlinzeki bayo kanye nesihloko Sewebhusayithi Egunyaziwe, Uhlelo Lokusebenza Olunelayisense kanye Nohlelo Lokusebenza Lesizindalwazi ngaso sonke isikhathi kuhlala ne-Lincoln kanye/noma abahlinzeki bayo. Ngaphandle kwalapho kushiwo lapha, le EULA ayinikezi Umsebenzisi Ogunyaziwe noma yimaphi amalungelo empahla Kwiwebhusayithi Egunyaziwe, Uhlelo Lokusebenza Olunelayisense noma Uhlelo Lokusebenza Lesizindalwazi, noma iyiphi into noma ingxenye yalokho, futhi wonke amalungelo anganikezwanga ngokucacile Kumsebenzisi Ogunyaziwe ngaphansi kwale EULA agodliwe futhi agcinwe yi-Lincoln kanye/noma abahlinzeki bayo. Ngaphandle kwanoma yini equkethwe kule EULA ngokuphambene, i-Lincoln inelungelo lokukhulula Uhlelo Lokusebenza Olunelayisense kanye Nohlelo Lokusebenza Lesizindalwazi ngaphansi kwemigomo ehlukeneyo yelayisense noma ayeke ukusabalalisa noma ukwenza Uhlelo Lokusebenza Olunelayisense kanye/noma Uhlelo Lokusebenza Lesizindalwazi litholakale nganoma yisiphi isikhathi.
13. **\\Ukuvikelwa Kwedatha.** \\Uma Uhlelo Lokusebenza Olunelayisense ludinga ukuthi i-Lincoln icubungule imininingwane yalo egameni Lomsebenzisi Ogunyaziwe kanye/noma abasebenzi noma amaxusa ayo, amaqembu azosebenzisa izinhlinzeko ze-Lincoln [Zesengezo Sokucutshungulwa Kwedatha](https://ch-delivery.lincolnelectric.com/api/public/content/DPA?v=c3d21a19)\\, okufakwe lapha ngesikhombho. Ngokugwema ukungabaza, ilungu ngalinye liyaqonda futhi liyavuma ukuthi ukuqoqwa nokusetshenziswa kwedatha yokuxhumana ye-Lincoln Yomsebenzisi Ogunyaziwe kanye/noma abasebenzi bayo noma abenzeli ngenhloso yokuphendula izicelo zebhizinisi, ukuxazulula inkinga, ukumaketha, noma ukwenza inkuthalo efanele ngenxa yezentengiselwano akuhambi\\sani "no\\kucubungulwa" esikhundleni Somsebenzisi Ogunyaziwe ngezinhloso Zesengezo Sokucutshungulwa Kwedatha. Uma kwenzeka i-Lincoln iqoqa futhi isebenzise imininingwane yokuxhumana nebhizinisi ezimweni ezinjalo, izohambisana [Nengubomgomo Yomumfihlo](#)\\ yayo.
14. **Amasevisi Okusekela.** Abakwa-Lincoln noma abahlinzeki bayo banganikeza Abasebenzisi Abagunyaziwe amasevisi okusekelwa ahlobene Newebhusayithi Egunyaziwe, Uhlelo Lokusebenza Olunelayisense noma Uhlelo Lokusebenza Lesizindalwazi ("**Amasevisi Okusekela**"). Ukusetshenziswa Kwemisebenzi Yokwesekwa kubuswa

yizinqubomgomo nezinhlelo ezichazwe kumanuwali yomsebenzisi Yohlelo Lokusebenza Olunelayisense, kumadokhumenti "aku-inthanethi" kanye/noma ezinye izinto ezinikezwe yi-Lincoln. Noma iyiphi ikhodi yesofothiwe enezelayo enikezwe Umsebenzisi Ogunyaziwe njengengxenye Yezinsizakalo Zokusekela izothathwa njengengxenye Yewebhusayithi Egunyaziwe, Uhlelo Lokusebenza Olunelayisense noma Uhlelo Lokusebenza Lesizindalwazi, njengoba kusebenza, futhi ngokwemigomo nemibandela yale EULA. Mayelana neminingwane yezobuchwepheshe Umsebenzisi Ogunyaziwe unikeza i-Lincoln njengengxenye Yamasevisi Okusekela, i-Lincoln ingasebenzisa lolo lwazi ngezinjongo zebhizinisi layo, kuhlenganise nokuhlinzeka Ngamasevisi Okusekela, noma olunye usizo lomkhqizo nentuthuko. I-Lincoln ngeke isebenzise iminingwane enjalo yobuchwepheshe ngendlela ekhomba Umsebenzisi Ogunyaziwe uqobo\.

15. **\Ukuhlawulwa.** Umsebenzisi Ogunyaziwe uzokhipha isivikelo, avikele futhi abambe i-Lincoln nabasebenzisana nayo, abasebenzi, ama-ejenti, izikhulu, abaqondisi, abaninimasheya, abamele, abalandela futhi banikeze noma yikuphi ukulahlekelwa, \isikweletu, imbangela yesenzo, inkokhelo noma izindleko (kuhlenganise nemali ezwakalayo yabammeli) eqhamuka, evela ngokuxhumeka noma okuhlobene nalokhu: (ii) izenzo nokushiywa Komsebenzisi Ogunyaziwe kanye nabasebenzi nabenzeli bakhe ngokuxhumene \nokusetshenziswa komsebenzisi lwebhusayithi Egunyaziwe, Uhlelo Lokusebenza Olunelayisense noma Uhlelo Lokusebenza Lesizindalwazi; (iii) ukwephula, ukwepulwa noma ukusetshenziswa budedengu Komsebenzisi Ogunyaziwe noma yimuphi umsebenzi noma umenzeli Womsebenzisi Ogunyaziwe, wamalungelo empahla yobunikazi ye-Lincoln nanoma yimuphi omunye wabahlizeki bawo. Uma kuqalwa isimangalo ngokumelene nelungu elinelungelo lokukhokhelwa \ngaphansi kwalesi sigaba ("**Ilungu Elivikelwe**"), Ilungu elivunyelwe lizonikeza isaziso sesimangalo namakhophi awo \wonke amadokhumenti ahlobene neqembu elibophezelekile ukuhlinzeka ngezihlawulelo ("**Ilungu Elivikelwe**") kanye Ilungu Elivikelwe lizolawula ukuvikelwa kwalesi simangalo izinkokhelo nezindleko zayo. Isaziso esinjalo kanye namadokhumenti kuzonikezwa ngokushesha okukhulu; inqobo nje, uma kungenzeki neze Ilungu Elivikelwe lizokhululwa ezibophweni zalo zokuzibophezela ezingezansi ngaphandle kwalapho uma ukwehluleka ukunikeza isaziso ngokushesha lapha kubangela, bese kuthi kuphela kuze kube sezingeni lokuthi, kubandlululwe ngokoqobo amalungelo Elungu Elivikelwe. Iqembu Eliboshiwe, ngezinkokhelo zalo nangezindleko zalo, libambe iqhaza, ngokusebenzisa abameli balo noma ngenye indlela, ekuphenyweni, ekuqulweni kwecala nasekuvikeleni lesi simangalo nanoma yisiphi isikhazazo. Esimweni esinjalo, Ilungu Elivikelwe lizobambisana ngokufanele \nabameli Belungu Elivikelwe .
16. **Inothi Kusekelo Le-Java.** IWEBHUSAYITHI YELAYISENSE, UHLELO LOKUSEBENZA OLUNELAYISENSE KANYE/NOMA UHLELO LOKUSEBENZA LESIZINDALWAZI LINGAQUKATHA UKUXHASWA KWEZINHLELO EZIBHALWE KU-JAVA. UBUCHWEPHESHE BE-JAVA ABUBEKEZELELI AMAPHUTHA FUTHI ABUKLANYELWANGA, ABENZIWANGA, NOMA BENZELWE UKUSETSHENZISWA NOMA UKUTHENGISWA KABUSHA NJENGEMISHINI YOKULAWULA KU-INTHANETHI EZINDAWENI EZINOBUONGOZI EZIDINGA UKUSEBENZA OKUNGAPHUMELELI, NJENGOKUSEBENZA KWEZIKHUNGO ZENUZI, UKUHAMBA KWEZINDIZA NOMA AMASISTIMU WEZOKUXHUMANI, UKULAWULA IZINDIZA EMOYENI, IMISHINI YOKUSEKELA IMPILO NGOKUQONDILE, NOMA IZINHLELO ZEZIKHALI, LAPHO UKWEHLULEKA KOBUCHWEPHESHE BE-JAVA KUNGAHOLELA NGQO EKUFENI, EKULIMALENI KOMUNTU, NOMA EKULIMALENI OKUKHULU NGOKOMZIMBA NOMA KWEMVELO.
17. **U.S. Amalungelo KaHulumeni.** Uhlelo Lokusebenza Olunelayisense kanye Nohlelo Lokusebenza Lesizindalwazi "yizinto zentengiso" ezenzelwe kuphela izindleko zangasese, ezibandakanya "isofthiwe yamakhompiyutha ezentengiselwano" kanye "amadokhumenti wesofthiwe yamakhompiyutha ezentengiselwano" njengoba lawo magama echazwa noma esetshenziswa kwimithethonqubo yokutholwa yase-U.S. Uhlelo Lokusebenza Olunelayisense kanye Nohlelo Lokusebenza Lesizindalwazi zinikwe ilayisense lapha ngezansi (i) njengento yezentengiselwano futhi (ii) kungalawo malungelo anikezwa wonke amanye amakhosimende kuphela ngokulandela imigomo nemibandela yale EULA. Akukho lutho kule EULA okudinga ukuthi i-Lincoln ikhiqize noma ihlinzeke ngemininingwane yobuchwepheshe Yomsebenzisi Ogunyaziwe. Yonke isofthiwe inikezwe i-U.S. Uhulumeni ngokuya ngezicelo ezikhishwe ngomhla ka-1 Disemba 1995 noma ngemuva kwakhe unikezwa amalungelo okuhweba nemikhawulo echazwe kwenye indawo lapha. Yonke isofthiwe inikezwe i-U.S. Uhulumeni ngokulandela izicelo ezakhishwa ngaphambi komhla ka-1 Disemba 1995 unikezwa AMALUNGELO AGODLIWE njengoba kuhlinzekwe ku-FAR, 48 CFR 52.227-14 (JUNI 1987) noma ku-FAR, 48 CFR 252.227-7013 (OKT 1988), njengoba kusebenz\.

18. **Imithetho Yokuthumela.** Umsebenzisi ogunyaziwe uyavuma ukuthi ukufinyelela nokusebenzisa Uhlelo Lokusebenza Olunelayisense kanye Nohlelo Lokusebenza Lesizindalwazi ngeke kunikezwe Ngumsebenzisi Ogunyaziwe noma omunye umsebenzi noma umenzeli Womsebenzisi Ogunyaziwe kunoma isiphi isakhamuzi sezwe lapho ukufinyelela noma ukusetshenziswa kwaso kuvinjelwe khona, noma okuthekelisa noma izimpahla zivinjelwe, nguhulumeni wase-United States. Ngaphezu kwalokho, Uhlelo Lokusebenza Olunelayisense kanye Nohlelo Lokusebenza Lesizindalwazi ngeke zithunyelwe, zidluliswe noma zithunyelwe Ngumsebenzisi Ogunyaziwe nanoma yimuphi umsebenzi noma umenzeli Womsebenzisi Ogunyaziwe kunoma yiliphi izwe noma asetshenziswe nganoma iyiphi indlela enqatshelwe yi-United States Export Administration Act noma eminye imithetho yokuthekelisa, imikhawulo noma imithethonqubo (ngokuhlangene "**Imithetho Yokuthumela**"). Ngaphezu kwalokho, uma Uhlelo Lokusebenza Olunelayisense kanye/noma Uhlelo Lokusebenza Lesizindalwazi likhonjwa njengezinto ezilawulwa ukuthekelisa ngaphansi kweMithetho Yokuthekelisa, Umsebenzisi Ogunyaziwe umele futhi aqinisekise ukuthi Umsebenzisi Ogunyaziwe akasona isakhamuzi, noma atholakala ngenye indlela ngaphakathi, isizwe esivinjelwe (kufaka phakathi ngaphandle komkhawulo i-Iran, I-Iraq, iSyria, iSudan, iLibya, iCuba, iNyakatho Korea, neSerbia) nokuthi Umsebenzisi ogunyaziwe akavinjelwe ngenye indlela ngaphansi Kwemithetho Yokuthekelisa ekutholeni ukufinyelela noma ukusebenzisa Uhlelo Lokusebenza Olunelayisense noma Uhlelo Lokusebenza Lesizindalwazi. Wonke amalungelo okufinyelela nokusebenzisa Uhlelo Lokusebenza Olunelayisense kanye Nohlelo Lokusebenza Lesizindalwazi anikezwa ngombandela wokuthi lawo malungelo ayancitshiswa uma Umsebenzisi Ogunyaziwe ehluleka ukuhambisana nemibandela yale EUL\A.
19. **Umthetho Osebenzayo Nokuzikhethela Isiphathimandla.** Le EULA ilawulwa, icatshangwe futhi iphoqeelwe ngokuhambisana nemithetho yoMbuso wase-Ohio, ngaphandle kokusebenzisa noma yimiphi imigomo yokushayisana kwemithetho. Igunya nendawo yazo zonke izenzo ezivela ngaphansi kwale EULA noma eziphathelene ne-EULA kuzoba sezinkantolo zombuso nezase-Ohio, ngaleyo ndlela zishiye ngokusobala noma yimuphi umthetho ongaba khona kanye/noma indawo, ngaphandle kokuthi uma imithetho yenqubomgomo yomphakathi noma imithethonqubo ezweni lapho Umsebenzisi Ogunyaziwe esebenzisa Uhlelo Lokusebenza Olunelayisense kanye Nohlelo Lokusebenza Lesizindalwazi kuvimbela amandla ezinkantolo zombuso nezase-Ohio, lapho-ke noma yiziphi izenzo ezivela ngaphansi kwale EULA noma eziphathelene ne-EULA ekugcineni zizolungiswa yi-Judicial Arbitration and Mediation Services Inc. ("**I-JAMS**") kusebenzisa i-JAMS 'Ruined Arbitration Rules kanye Nezinqubo, okuyimithetho nezinqubo ezithathwa njengezihlanganisiwe ngokubhekiswa kulesi sigaba; ulimi oluzosetshenziswa ekulamulaneni kube ngesiNgisi; inani labalamuli liyoba linye (1); isihlalo, noma indawo esemthethweni, yokulamula kube yi-New York, e-New York (United States). Umhlangano Wezizwe Ezihlangene Wezinkontileka Zokuthengiswa Kwempahla Yomhlaba Wonke ngeke usebenze kule EULA.
20. **Isivumelwano Sisonke.** Le EULA (kuhlanganise nanoma yisiphi isengezo, isheduli noma ukuchibiyela le EULA eyenziwe njengengxenye yale EULA futhi efakwe Kuhlelo Lokusebenza Olunelayisense) yiso sonke isivumelwano phakathi komsebenzisi ogunyaziwe ne-Lincoln esiphathelene nodaba lwale EULA futhi sithatha konke ngaphambi noma ukuxhumana ngomlomo noma okubhaliwe ngesikhathi esifanayo, iziphakamiso kanye nezethulo maqondana nodaba lwale EULA. Ngokwezinga lemigomo yanoma yiziphi izinqubomgomo noma izinhlelo ze-Lincoln Zokuphikisana nezimo zale EULA, imigomo yale EULA izolawula. Uma kwenzeka noma yiziphi izinhlinzeko zale EULA zithathwa njengezingekho emthethweni, zingavumelekile noma zingaphoqelesi ngaphansi kwanoma imiphi imithetho nezimiso ezisebenzayo, zonke ezinye izinhlinzeko zale EULA zizohlala zisebenza ngokugcwele.
21. **Izaziso Nemibuzo.** Zonke izaziso kanye nezimfuneko ezingezansi zizobhalwa phansi futhi zizonikezwa usizo lomuntu siqu noma ngeposi ekhelini lelungu elitholayo elibekwe kule EULA (noma kulelo kheli elihlukile elingakhethwa yilelo lungu ngesaziso esibhaliwe kwelinye ilungu). Zonke izaziso noma okufunwa ngeposi kuzoba nge-imeyili eqinisekisiwe noma ebhalisiwe, irisidi yokubuyisa eceliwe, noma ngeposi elizimele elaziwa ezweni lonke futhi kuzothathwa njengokuphelele lapho selitholakele. Uma Umsebenzisi Ogunyaziwe enanoma yimiphi imibuzo mayelana nale EULA, noma uma Umsebenzisi Ogunyaziwe efisa ukuxhumana ne-Lincoln nganoma yisiphi isizathu, sicela uxhumane nehhovisi le-Lincoln elisebenzela Umsebenzisi Ogunyaziwe, noma ubhalele ku: Lincoln Electric, 22801 St. Clair Ave., Cleveland, OH 44117\.

22. **\Imfihlo.** Umsebenzisi Ogunyaziwe uyavuma ukuthi Umsebenzisi Ogunyaziwe angathola noma azi \ulwazi oluyimfihlo nezimfihlo zokuhweba ze-Lincoln (“\Ulwazi Oluyimfihlo\”). \Umsebenzisi Ogunyaziwe uyavuma ukugcina nokuvikela imfihlo yalo lonke Ulwazi Oluyimfihlo olwaziyo (noma ngabe lukhonjwa noma alumakiwe noma luyimfihlo ngesikhathi sokudalulwa kwalo) futhi angadaluli noma yiluphi Ulwazi Oluyimfihlo kunoma yimuphi umuntu, ifemu, noma elinye ibhizinisi ngaphandle kwabasebenzi balo abanesidingo sokwazi lolo Lwazi Oluyimfihlo ngezinhloso zelayisense elinikezwe Umsebenzisi Ogunyaziwe ngezansi, futhi Umsebenzisi Ogunyaziwe uyogcina futhi avikele imfihlo yalo lonke Ulwazi Oluyimfihlo olwaziyo lisebenzisa okufanayo izinga lokunakekelwa elisebenzisayo ukuvikela izimfihlo zalo zokuhweba, kodwa hhayi ngaphansi kokunakekelwa okufanele. Ngaphezu kwalokho, Umsebenzisi Ogunyaziwe ngeke asebenzise noma adalule noma yiluphi Ulwazi Oluyimfihlo nganoma iyiphi injongo engavunyelwe yile EULA. Umsebenzisi ogunyaziwe uyavuma ukwakha nokwamukela izivikelo ezifanele ngokubheka imisebenzi yakhe yokusebenza ukuqinisekisa ukuvikelwa kwemfihlo kwalo lonke Ulwazi Oluyimfihlo alaziyo. Imikhawulo ekudaluleni ebekiwe ngenhla ngeke isebenze lapho, futhi kuze kufike ezingeni lapho, Ulwazi Oluyimfihlo: (a) luyingxenye yesizinda somphakathi ngaphandle kwesenzo noma ukwehluleka ukwenza Komsebenzisi Ogunyaziwe; (b) wenziwe watholakala emphakathini jikelele yi-Lincoln noma ilungu lesithathu elinemininingwane engokomthetho, hhayi ngenxa yesenzo noma ukwehluleka ukwenza okuthathwe Ngumsebenzisi Ogunyaziwe; (c) phambilini sasaziwa Kumsebenzisi Ogunyaziwe singenaso isibopho sokukugcina kuyimfihlo; (d) kamuva udalulwe Kumsebenzisi Ogunyaziwe ngaphandle kwesibopho sokukugcina kuyimfihlo; noma (e) lakhiwa ngokuzimela Ngumsebenzisi Ogunyaziwe noma ilungu lesithathu ngaphandle kokwephula le EULA. Ukwepulwa kwalesi Sigaba \21 kungenzeka kudale umonakalo ongalungiseki ngakho-ke i-Lincoln ingafuna ukukhululeka ngokushesha ngaphandle kwesidingo sokuthumela ibhondi uma kwenzeka kwepulwa lesi Sigaba \21.
23. **Ukuxazululwa Kwezingxabano.** Amaqembu azozama ukuxazulula noma isiphi isimangalo noma impikiswano evela kule EULA ngokubonisana nangezingxoxo ngokukholwa okuhle ngomoya wokubambisana. Uma leyo mizamo ihluleka, lapho-ke impikiswano izolanyulwa ngumlamuleli owemukelwe ngakunye ukuze akhethwe amaqembu zingakapheli izinsuku ezingamashumi amane nanhlanu (45) ngemuva kwesaziso esibhaliwe salolo nalolo hlangothi kolunye uhlangothi olufuna ukulamula. Alikho iqembu elingavimba ngokungafanele izizathu zokukhethwa komlamuleli. Amaqembu azokwabelana izindleko zokulamula ngokulingana. Ngokuvumelana, amaqembu angahlehlisa ukulamula kuze kuphuthulwe okuthile okucacisiwe kepha okulinganiselwe mayelana nengxabano. Amaqembu angahle futhi avumelane ngokufaka esikhundleni sokulamula afake enye indlela yokuxazulula izingxabano. Noma iyiphi impikiswano engenakuxazululwa amaqembu ngokuxoxisana, ngokulamula noma ngenye indlela yokuxazululwa kwezingxabano okuvunyelwene ngazo kungakapheli izinsuku eziyikhulu namashumi amabili (120) ngemuva kosuku lokufunwa kwalo okokuqala elinye lamaqembu lingathunyelwa ku-federal nezinkantolo zombuso ezise-Ohio ukuze zixazululwe noma zixazululwe, uma kusebenza, njengoba kushiwo Esigabeni \18. Akukho lutho kulesi Sigaba \22 okuyovimbela iqembu ukuthi liphendukele ezinkantolo uma: (a) imizamo ethembekile yokuxazulula impikiswano ngaphansi kwalezi zinqubo ingaphumelelanga; (b) ukukhululeka kwesikhashana, ukujezisa noma okunye ukulingana okuvela enkantolo kuyadingeka ukuvimbela ukulimala okukhulu nokungalungiseki eqenjini elilodwa noma kwabanye; noma (c) amacala adingeka ukuthi afakwe ngaphambi kokusebenza komthetho osebenzayo wokulinganiselwa. Ukusetshenziswa kwanoma iyiphi enye inqubo yokuxazulula izingxabano ngeke kuthathwe ngaphansi kwemfundiso yokuthi ama-latches, waiver noma i-estoppel angathinta kabi amalungelo elungu. Zonke zinqubo ezingenhla zokuxazulula izingxabano zizoba yimfihlo\.
24. **I-Force Majeure.** I-Lincoln ngeke ibe nesibopho sokubambezeleka noma ukwehluleka kokusebenza okuvela ezenzweni ezingaphezu kwamandla we-Lincoln. Izenzo ezinjalo zizobandakanya, kepha kungacini lapho, ezenzweni zikaNkulunkulu, ezitelekeni, ekuvinjelweni, ezimpini, eziwumshayabhuqe, ukwehluleka kwabahlinzeki ukwenza, imithetho kahulumeni, ukwehluleka kwamandla, ukwehluleka kwe-Inthanethi noma ezokuxhumana ngocingo, ukuzamazama komhlaba, noma ezinye izinhlekelele.
25. **Ukuhambisana Nelayisense Nemithetho.** Umsebenzisi ogunyaziwe uzothobela yonke imithetho kahulumeni, yezwe, yasekhaya neyangaphandle, imithethonqubo, imithetho kanye nezimiso eziphathelele nokusebenza kanye nokusebenza kwebhizinisi layo kanye nelayisense elinikezwe Umsebenzisi Ogunyaziwe ngaphansi kwale EULA. Uma kwenzeka noma iyiphi ingxenye yale EULA izimisele ukwepulwa noma yimiphi imithetho esebenzayo,

yezwe, yendawo noma yangaphandle, imithetho noma imithethonqubo, izinhlinzeko ezisele zale EULA zizohlala zisebenza ngokugcwele futhi zizophoqelelwa ngokugcwele ngomthetho nezihlangano ziyavumelana ukuthi kuxoxiswane ngokubukeza okuhle ngokuthembela ekuhlinzekweni noma emibandeleni ephula umthetho. Uma kwenzeka amalungu engakwazi ukuvumelana nemigomo eguquliwe njengoba kudingwa ukuletha yonke i-EULA ekuthobeleni, noma yiliphi ilungu lingayinqamula le-EULA kungakadluli izinsuku eziyishumi (10) ngaphambi kokubhalela elinye ilungu.

26. **Ukusinda.** Izigaba \1.a, \2.a, \2.b, \3, \6, \8, \9, \11, \11 no-\14-\28 zizosinda ekuqedweni noma ekuphelelweni yisikhathi kwe-EULA nganoma yisiphi isizathu.
27. **Izihloko.** Izihloko nezihloko zezigaba ezahlukahlukene nezigaba ezikule EULA kuhloselwe ukubhekiswa kuphela futhi azenzelwe enye injongo noma ukuchaza, ukuguqula, noma ukubeka noma ikuphi ukwakhiwa kunoma yimaphi amalungiselelo ale EULA.
28. **\Amafomu.** \Akukho okuhlinzekwe kuma-oda wokuthenga weqembu, noma kunoma yimaphi amanye amafomu ebhizinisi aqashwe kungaba yinoma yiliphi ilungu, okuzothatha isikhundla semigomo nemibandela yale EUL\A.
29. **Ukuyekelwa/Ukwabelwa.** Ukuyekelwa kwanoma yikuphi ukuhlinzekwa kwale EULA kuzosebenza kuphela ngencwadi esayinwe yiqembu okubhekiswe kulokho okuyekelwayo. Le EULA kungenzeka inganikezwa Umsebenzisi Ogunyaziwe ngaphandle kwemvume ebhalwe phansi ye-Lincoln. Le EULA ingabelwa yi-Lincoln, ngokusebenza komthetho noma ngenye indlela, ngaphandle kwemvume noma imvume Yomsebenzisi Ogunyaziwe noma omunye umuntu, inkampani noma inhlango.

* * * * *

**ISHEJULI 1\\
IZIPHATHIMANDLA ZEMIGOMO EQONDILE**

Uma Umsebenzisi Ogunyaziwe engena futhi esebenzisa Uhlelo Lokusebenza Olunelayisense kanye/noma Uhlelo Lokusebenza Lesizindalwazi kwesinye seziphathimandla ezisohlwini lwale Sheduli 1, imigomo elandelayo iyasetshenziswa kuleso siphathimandla esicacisiwe, futhi leyo migomo iyothatha isikhundla futhi ilawule uma kwenzeka kuba nokungqubuzana nezinye izinhlinzeko ze-EULA. Yonke imigomo eku-EULA engashintshwanga yimigomo yeziphathimandla ezisebenzayo-ngokuqondile kule Sheduli 1 ehlala ingashintshiwe futhi isebenza ngokugcwele.

\E-Canada: Amalungu ayamukela futhi ayavuma ukuthi lezi zinguquko ezilandelayo ku-EULA zizosebenza maqondana namalungiselelo aqondile we-EULA achazwe ngezansi:

- a. Isigaba \7.a se-EULA sizochitshiyelwa ngokungeza lolu limi olulandelayo ekugcineni kwelungiselelo: “, noma umetho nemithethonqubo yase-Canada”.
- b. Isigaba \14 we-EULA sizochitshiyelwa ngokungeza isigatshana esisha (iv) ngale ndlela elandelayo: “noma (iv) noma yiziphi izimangalo noma izinsolo zomuntu wesithathu zokuthi noma iyiphi idatha elayishiwe noma Ecutshunguliwe (njengoba kuchaziwe kulolu Hlelo lwe-Canada) Ohlelweni Lokusebenza Lesizindalwazi Ngomsebenzisi Ogunyaziwe nanoma yikuphi ukusetshenziswa Kwebwebhusayithi Egunyaziwe, Uhlelo Lokusebenza Olunelayisense kanye/noma Uhlelo Lokusebenza Lesizindalwazo Ngomsebenzisi Ogunyaziwe kwephula noma kusebenzisa kabi amalungelo empahla yelungu lesithathu noma kwephula umthetho osebenzayo”.
- c. Isigaba \17 se-EULA sizochitshiyelwa ngokungeza lolu limi olulandelayo ekugcineni ko\musho wokuqala: “\noma uhulumeni wase-Canada”.

\E-Brazil\: \Amalungu ayasamukela futhi ayasivuma leso Sigaba\9\ “\UMKHAWULO WESIBOPHO NOKULINGANISELWA KWESIBOPHO\” se-EULA simiselelwe ngalesi Sigaba esilandelayo:

\“UMKHAWULO WESIBOPHO NOKULINGANISELWA KWESIBOPHO

- a. **UMKHAWULO WESIBOPHO. NGAPHANDLE KWANOMA YINI EPHAMBENE EQUKETHWE KULE EULA, AKUNAKUSETSHENZISELWA UKUTHI ISIKWELETU SE-LINCOLN ESIPHELELE SIQHAMUKE MAQONDANA NOMA NGAPHANSI KWALESI SIVUMELWANO (KUNGABA NGAPHANSI KWEMIBONO YOKWEPHULA ISIVUMELWANO, UKUHLUKUNYEZWA, UKUMELWA KABI, UKUKHWABANISA, IWARANTI, UBUDEDENGU, ISIKWELETU ESIQINILE NOMA ENYE INTO INKOLELO YOMTHETHO) IDLULA INANI ELIPHELELE LEZIMALI EZIKHOKHELWE I-LINCOLN NGUMSEBENZISI OGUNYAZIWE NGAPHANSI KWALESI SIVUMELWANO. UKULINGANISELWA OKUNGENHLA, UKUKHISHWA KANYE NOKUZIKHULULA KUZOSEBENZA EZINGENI ELIPHAKEME ELIVUNYELWE UMTHETHO OSEBENZAYO.**
- b. **UKULINGANISELWA KWESIBOPHO. NGAPHANDLE KOKUPHIKISANA NANOMA YINI EQUKETHWE KULE EULA, I-LINCOLN NOMA YIZIPHI IZIKHULU ZAYO, ABAQONDISI, ABASEBENZI, AMA-EJENTI NOMA ABAMELE NGEKE, NGAPHANSI KWANOMA YIZIPHI IZIMO, BABOPHEZELEKE KUMSEBENZISI OGUNYAZIWE NOMA KUNOMA YIMUPHI OMUNYE UMUNTU, INKAMPANI NOMA IBHIZINISI (KUNGABA ESENZWE NI ESIVELE KUSUKELA KWINKONTILEKA, UKUHLUKUNYEZWA NOMA ENYE INKOLELO YEZOMTHETHO) YOMONAKALO OKHETHEKILE, OHAMBISANAYO, OYISIBONELO, NOMA OMUNYE UMONAKALO ODALWE UKUTHOLAKALA NOMA UKUSETSHENZISWA KWEBWEBHUSAYITHI YELAYISENSE, UHLELO LOKUSEBENZA OLUNELAYISENSE, I-DATABASE YOHLELO LOKUSEBENZA, NOMA OKUNYE, NOMA KUNJALO KUBANGELWA, KUFAKA PHAKATHI, NGAPHANDLE KOMKHAWULO, LOWO MONAKALO OQHAMUKA (I) KULWAZI NOMA IDATHA ETHOLWE KUWEBHUSAYITHI YELAYISENSI, UHLELO LOKUSEBENZA OLUNELAYISENSE NOMA I-DATABASE YOHLELO LOKUSEBENZA, (II) UKUTHEMBELA KWANOMA YIMUPHI UMUNTU EMINININGWANENI NOMA KWIMINININGWANE ETHOLWE KUWEBHUSAYITHI YELAYISENSI, ISICELO ESINELAYISENSE NOMA I-DATABASE YOHLELO LOKUSEBENZA, (III) UKUDLULISWA KWEGCIWANE NOMA UKUSUSWA NOMA UKULAHLEKA KWAMAFAYELA NOMA I-IMEYILI, (IV) UKULAHLEKA KWEDATHA NOMA IMINININGWANE YANOMA ILUPHI UHLOBO, (V) UKULAHLEKA KWENZUZO, UKUTHAKAZELELWA, UKUSETSHENZISWA, IDATHA NOMA OKUNYE UKULAHLEKA OKUNGAPHATHEKI (NOMA NGABE I-LINCOLN YELULEKWE NGOKUNGABA KHONA KWALOWO MONAKALO), (VI) ISIKWELETU SOKULIMALA KOMUNTU, NOMA (VII) ISIKWELETU KUBANTU BESITHATHU. UKULINGANISELWA OKUNGENHLA, UKUKHISHWA KANYE NOKUZIKHULULA KUZOSEBENZA KUZE KUFIKE EZINGENI ELIVUNYELWE UMTHETHO OSEBENZAYO”.**

\E-Argentina: Amalungu ayamukela futhi ayavuma ukuthi lo musho olandelayo wengezwe ekugcineni Kwesigaba \9 "UMKHAWULO WESIBOPHO NOKULINGANISELWA KWESIBOPHO" se-EULA: "LOKHU OKUNGENHLA AKUTHINTI NOMA YISIPHI ISIKWELETU ESINGENAKUSUSWA NOMA SIKHAWULELWE NGAPHANSI KOMTHETHO OSEBENZAYO."

\E-Colombia: Amalungu ayasamukela futhi ayasivuma leso "Sitatimende" Sesigaba \8 se-EULA esimiselelwe ngalesi Sigaba esilandelayo: "NGAPHANDLE KWALAPHO KUHAZWE NGENYE INDLELA KULE EULA, UKUFINELELA NOKUSETSHENZISWA KOHLELO LOKUSEBENZA OLUNAMALAYISENSE KANYE NEDATHA YOHELELO LOKUSEBENZA KUNIKEZWA "NJENGOBA KUNJALO", "NGAWO WONKE AMAPHUTHA". I-LINCOLN AYIQINISEKISI UKUFINELELA OKUQHUBEKAYO, OKUNGAPHAZANYISWA NOMA OKUPHEPHILE KOKUSEBENZISA IWEBHUSAYITHI YELAYISENSE, UHLELO LOKUSEBENZA OLUNELAYISENSE NOMA UHLELO LOKUSEBENZA LESIZINDALWAZI. NGAPHANDLE KWALAPHO KUHAZWE NGENYE INDLELA KULE EULA, UMA UMSEBENZISI OGUNYAZIWE ENGAGCULISEKI NGEWEBHUSAYITHI ENELAYISENSE, UHLELO LOKUSEBENZA OLUNAMALAYISENSE NOMA UHLELO LOKUSEBENZA LESIZINDALWAZI, NANOMA IYIPHI INGXEYI YALO, IKHAMBHI ELILODWA LOMSEBENZISI OGUNYAZIWE UKUYEKA UKUFINELELA NOKUSEBENZISA IWEBHUSAYITHI ENELAYISENSE, UHLELO LOKUSEBENZA OLUNAMALAYISENSE NOMA UHLELO LOKUSEBENZA LESIZINDALWAZI. AMALUNGU AYAVUMA UKUTHI, NGAPHANDLE KWALAPHO KUHAZWE NGENYE INDLELA KULE EULA, AYIKHO IWARANTI NOMA UMBANDELA, OVEZWA NOMA OBEKIWE, OWENZIWAYO MAQONDANA NEWEBHUSAYITHI ENELAYISENSE, UHLELO LOKUSEBENZA OLUNAMALAYISENSE NOMA UHLELO LOKUSEBENZA LESIZINDALWAZI, KUFAKA PHAKATHI, NGAPHANDLE KOMKHAWULO, IZIQINISEKISO EZISETSHENZISIWE ZOKUTHENGISELANA, UKUFANELEKA NGENHLOSO ETHILE, UKODWA UZONIKELA NGALE MISEBENZI OKUKHULUNYWA NGAYO KULE EULA ISIHLOKO, UKUJABULELA UKUTHULA, UKUPHATHA NGOKUTHULA, UKUXHUMANA NENCAZELO NOMA UKUNGAPHULI UMTHETHO MAQONDANA NEWEBHUSAYITHI ENELAYISENSE, UHLELO LOKUSEBENZA OLUNAMALAYISENSE NOMA UHLELO LOKUSEBENZA LESIZINDALWAZI."

\E-Chile: Amalungu ayamukela futhi ayavuma ukuthi lezi zinguquko ezilandelayo ku-EULA zizosebenza maqondana namalungiselelo aqondile we-EULA achazwe ngezansi:

- a. \ISIGABA \9\ "UMKHAWULO WESIBOPHO NOKULINGANISELWA KWESIBOPHO", isigaba a.: igama elithi "UKUKHWABANISA" emushweni wesithathu alisebenzi.
- b. ISIGABA \9 "UMKHAWULO WESIBOPHO NOKULINGANISELWA KWESIBOPHO", isigaba b. (V) sizomiselelwa ngalo musho olandelayo: "(V) UKULAHLEKA KWENZUZO, I-LUCRO CESANTE, UKUTHANDA OKUHLE, UKUSETSHENZISWA, IDATHA NOMA OKUNYE UKULAHLEKA OKUNGAPHATHEKI (NOMA NGABE I-LINCOLN YELULEKWE NGAMATHUBA OMONAKALO ONJALO),".
- c. Lo musho olandelayo unezelwa ekugcineni KWESIGABA \11 "UBUNIKAZI BEMPAHLA, NOKUVIKELWA KWELUNGELO LOBUNIKAZI": "Imisebenzi efakwe ohlwini ku-athikili 71 Ñ yoMthetho No. 17336 Welungelo Lempahla ayinakwenziwa Ngumsebenzisi Ogunyaziwe, ngaphansi kwanoma yiziphi izimo."
- d. \Imisho elandelayo yengezwa ekugcineni KWESIGABA \18\ "UMTHETHO OSEBENZAYO": "\Le EULA ayenganyelwe WUMTHETHO wase-Chile Wokuvikelwa Kwabathengi (uMthetho# 19.496, njengoba uchibiyelwe)."

\E-Australia: Amalungu ayamukela futhi ayavuma ukuthi lezi zinguquko ezilandelayo ku-EULA zizosebenza maqondana namalungiselelo aqondile we-EULA achazwe ngezansi:

- a. Lo musho olandelayo unezelwa ekugcineni Kwesigaba \2.a "Ithemu Nokunqanyulwa - Ithemu": "Umsebenzisi ogunyaziwe ngesaziso esibhaliwe izinsuku ezingekho ngaphansi kwezingu-30 angakhetha ukuphuma kunoma yisiphi isikhathi sokuvuselela futhi le EULA izophela ngosuku lokugcina lweThemu Yokuqala noma Ithemu yamanje Yokuvuselela samanje, njengoba kusebenza."
- b. Lo musho olandelayo unezelwa ekugcineni Kwesigaba \2.a "Ithemu Nokunqanyulwa - Ukunqanyulwa": "Uma le-EULA inqanyulwa ngokuphelele noma ngokwengxenywe ukuze kube lula yi-Lincoln, noma yiziphi izimali ezikhokhelwe ngokuphathelene nengxenywe enqanyuliwe zizobuyiselwa imali ezonikezwa kususelwa osukwini lokuvalwa kuze kube usuku lokuphela kokuphela."
- c. Isigaba esilandelayo sifakwa ku-EULA Njengesigaba \8.a esisha: "Akukho lutho ku-EULA olusebenza ngaphandle, luguqula noma lukhawulele ukusetshenziswa kwanoma yikuphi ukuhlizekwa, ukusetshenziswa kwanoma yiliphi ikhambi, noma ukubekwa kwanoma yisiphi isikweletu ngaphansi Komthetho Wabathengi wase-Australia obekwe Kusheduli 2 Yomthetho Wezokuncintisana Nabathengi 2010 (Cth) ("ACL"). Uma umthengi eqinisekisa ngaphansi kwe-ACL esebenza Kuhlelo Lokusebenza Olunelayisense noma ezinye izimpahla noma izinsizakalo ezinikezwe ngaphansi kwe-EULA, isikweletu se-Lincoln kumsebenzisi ogunyaziwe nganoma yikuphi ukwephula iziqinisekiso zomthengi kuzokhawulwa, ngokukhetha kwe-Lincoln, kokukodwa noma ngaphezulu kokulandelayo: (i) uma ukwephula lokhu kuhlobene nezimpahla: (A) ukushintshwa kwezimpahla noma ukunikezwa kwezimpahla ezilinganayo; (B) ukulungiswa kwalezo zimpahla; (C) ukukhokhwa

kwezindleko zokushintsha ezinye izimpahla noma zokuthola izimpahla ezilinganayo; noma (D) ukukhokhwa kwezindleko zokulungiswa kwempahla; futhi (ii) uma ukwephula lokhu kuhlobene namasevisi: (A) ukuhlinzekwa kwamasevisi futhi; noma (B) ukukhokhwa kwezindleko zokuthi amasevisi aphinde ahlinzekwe futhi.”

\E-India: Amalungu ayamukela futhi ayavuma ukuthi ekugcineni Kwesigaba \11 se-EULA, kunezelwe lo musho olandelayo: “*Izinhlangotho ziyavuma ukuthi izifinyezo zezikweletu kanye nemikhawulo ebekwe ku-EULA yisilinganiso sangempela sokulahlekelwa okungenzeka ukuthi kutholwe ngumsebenzisi ogunyaziwe nganoma yikuphi ukwepulwa yi-Lincoln kwemigomo yale EULA.*”

\E-China: Amalungu ayamukela futhi ayavuma ukuthi lo musho olandelayo wengezwe ekugcineni kwesigaba b Sesigaba \9 “Umkhawulo Wesibopho Nokulinganiselwa Kwesibopho” ku-EULA: “*LESI SIGABA NGEKE SISEBENZE KUNOMA YISIPHI ISIKWELETU ESIVELA EKULIMALENI KOMUNTU OKUBANGELWE ELINYE ILUNGU NOMA UMONAKALO WOBUNIKAZI BEMPAHLA OBANGELWE ELINYE ILUNGU NGENXA YENHLOSO YANGAMABOMU NOMA UBUDEDENGU OBUKHULU.*”

\E-Thailand: Amalungu ayamukela futhi ayavuma ukuthi ekugcineni komusho Wesigaba \28 “*Ukuyekelwa/Ukwabelwa*” se-EULA, kufanele kumiselelwe ngomusho olandelayo: “*Ngaphandle kokudluliswa ngokusebenza komthetho, ukudluliswa kwamalungelo ahlobene nale EULA kuzobophezela Umsebenzisi Ogunyaziwe noma umuntu wesithathu kuphela uma isaziso sinikezwe Umsebenzisi Ogunyaziwe noma uma Umsebenzisi ogunyaziwe evumile lokho kudluliswa kwelungelo. Ngaphandle kokudluliswa ngokusebenza komthetho, ukudluliswa kwamalungelo nezibopho (i-novation) kudinga imvume ebhaliwe evela Kumsebenzisi Ogunyaziwe.*”

\E-Indonesia: Amalungu ayamukela futhi ayavuma ukuthi isigaba esilandelayo sinezelwe ngemva komusho Wesigaba \28 “*Ukuyekelwa/Ukwabelwa*” ku-EULA: “*Ngokuhambisana noMthetho wase-Indonesia onguNombolo 24 ka-2009 ophathelene neFulegi Likazwelonke, Ulimi, Izimpawu Zombuso kanye Nengoma (ngoJulayi 9, 2009) (“Umthetho Wezilimi”) kanye noMthethonqubo kaMongameli No. 63 wango-2019 maqondana nokusetshenziswa kwe-Bahasa Indonesia (30 Septemba 2019) (“PR 63/2019”), i-Lincoln Nomsebenzisi Ogunyaziwe bayavuma ukuthi le EULA izokwenziwa ngolimi lwesi-Indonesia. Uma kwenzeka kuba nokungqubuzana phakathi kohlobo lwesiNgisi nohlobo lolimi lwase-Indonesia lale EULA, uhlobo lwesiNgisi ilzobusa, bese kuthi olimi lwase-Indonesia luchitshiyelwe ukuze luhambisane nemibandela yohlobo lwesiNgisi lwale-EULA. Kokubili i-Lincoln Nomsebenzisi Ogunyaziwe ngeke (futhi bangavumeli noma basize abasebenzi noma amaxusa ayo noma omunye umuntu) nganoma iyiphi indlela noma inkundla, ukuphonsela inselelo ubuqiniso, noma ukuphakamisa noma ukufaka noma yikuphi ukuphikisana nale EULA ngesisekelo noma ikuphi ukwehluleka ukuhambisana noMthetho Wolimi kanye ne-PR 63/2019.*”

\E-Belgium: Amalungu ayamukela futhi ayavuma ukuthi lezi zinguquko ezilandelayo ku-EULA zizosebenza maqondana namalungiselelo aqondile we-EULA achazwe ngezansi:

- a. Esigabeni \2.a “*Ukunqanyulwa*”, igama elithi “*Lincoln*” kuyasuswa kufakwe “*noma yiliphi ilungu*” bese kuthi amagama athi “*Umsebenzisi Ogunyaziwe*” asuswe kufakwe elinye “*ilungu*”.
- b. Esigabeni \10.a “*Umkhawulo wesibopho*”, emshweni wokuqala, isigatshana esithi “*nangenxa yobude bayo bonke*” singezwa ngokushesha kulandela igama elithi “*ISIVUMELWANO*” kanye nengxenye yokugcina yomusho wokuqala (“*noma (II) U.S. \$5.00.*”) uyasuswa ngalokhu.
- c. Esigabeni \10.a “*Ukulinganiselwa kwesibopho*”, lo musho olandelayo wengezwa ekugcineni kwesigatshana: “*Umkhawulo wesikweletu uzophinda usebenze uma kwenzeka ubudedengu obukhulu be-Lincoln kodwa awusebenzi lapho kwenzeka inkohliso noma iphutha lenhloso.*”

\E-Czech Republic: Amalungu ayamukela futhi ayavuma ukuthi lezi zinguquko ezilandelayo ku-EULA zizosebenza maqondana namalungiselelo aqondile we-EULA achazwe ngezansi:

- a. Emshweni wokugcina wale EULA, ngemuva “*NGOKUCHOFOZA INKINOBHO ETHI “YAMUKELA” NGAPHANSI, UBONISA UKWAMUKELA KWAKHO LE EULA*”, kokwenezelwa komusho olandelayo: “*Umsebenzisi ogunyaziwe uqinisekisa ngokusobala ukuthi ungene kulesi sivumelwano maqondana nomsebenzi waso webhizinisi, akayena umthengi futhi akayona inhlangotho ebuthakathaka ngokwencazelo yesigaba sama-433 soMthetho no. 89/2012 Coll., i-Civil Code, njengoba uchitshiyelwe.*”
- b. Esigabeni \9 “*UMKHAWULO WESIBOPHO NOKULINGANISELWA KWESIBOPHO*”, ekupheleni Kwesigaba, kungezwa ilungiselelo elilandelayo: “*Ukulinganiselwa kanye nokukhishwa kwewaranti nesikweletu esiqukethwe kule EULA*

kuzosebenza kuphela ngezanga elivunyelwe umthetho osebenza kule EULA kanye nakwezanga elivunyelwe yimithetho yase-Czech esebenza njengemithetho yokuphoqelwa noma yokulawulwa komphakathi elawula ukukhetha komthetho ophethe owenziwe kule EULA, njengoba kungaba njalo. Umthethonqubo osemthethweni wase-Czech usebenza ngokuqondene nesikweletu sikaLincoln ngomonakalo wanoma ikuphi ukulimala okubangelwe amalungelo emvelo omuntu, noma kubangelwe ngamabomu noma ngenxa yobudedengu obukhulu”.

\E-Finland: Amalungu ayamukela futhi ayavuma ukuthi lezi zinguquko ezilandelayo ku-EULA zizosebenza maqondana namalungiselelo aqondile we-EULA achazwe ngezansi:

- a. Esigabeni \7.a “*Incazelo Yamanye Amalungelo Nemikhawulo - Imikhawulo Ekusetshenzisweni*”, lo musho olandelayo uyangezwa ekugcineni kwendima yokucina yesigatshana \7.a ngaphambi kwesikhathi: “*noma kuze kube yilapho lowo msebenzi ucaciswa kuvunyelwe ngumthetho osebenzayo ophoqelekile onghliswe ngaphansi kwenkontileka*”.
- b. Esigabeni \9 “*Umkhawulo wesibopho nokulinganiselwa kwesibopho*”, umusho olandelayo uyangezwa ngokushesha ngemuva kwendima yokucina yesigatshana \10.a: “*UKULINGANISELWA OKUNGENHLA, UKUKHISHWA KANYE NOKUZIHLULULA KUZOSEBENZA KUZE KUFIKE EZINGENI ELIVUNYELWE UMTHETHO OSEBENZAYO*”.

\E-France: Amalungu ayamukela futhi ayavuma ukuthi lezi zinguquko ezilandelayo ku-EULA zizosebenza maqondana namalungiselelo aqondile we-EULA achazwe ngezansi:

- a. Ekugcineni Kwesigaba \2.a “*Ukunqanyulwa*”, kuzongezwa umusho olandelayo u: “*(inqobo nje uma leso sikhathi sesaziso sizokwandiswa, ukuqala ekupheleni Kwethemu Yokuqala, ngenyanga eyodwa (1) eyengeziwe Kuthemu Yokuvuselela ngayinye eyengeziwe, kuze kufike esazisweni esikhulu isikhathi sezinyanga ezintathu (3)).*”
- b. Esigabeni \7.a “*Imikhawulo Yokusetshenziswa*”, umusho othi “*Ngaphandle kwezanga eligunyazwe noma elivunyelwe ngumthetho osebenzayo,*” sizongezwa ngemuva “*Kwemikhawulo Yokusetshenziswa*” nangaphambi kokuthi “*Umsebenzisi Ogunyaziwe ngeke*”.
- c. Isigaba \9 “*UMKHAWULO WESIBOPHO NOKULINGANISELWA KWESIBOPHO*” skuzothathelwa indawo yilesi Sigaba esilandelayo: \\

“UMKHAWULO WESIBOPHO NOKULINGANISELWA KWESIBOPHO

- a. **UMKHAWULO WESIBOPHO. NGAPHANDLE KWANOMA YIKUPHI OKUPHAMBENE NOKUQUKETHWE KULE EULA, AKUNAKUSETSHENZISELWA UKUTHI ISIKWELETU SE-LINCOLN ESIPHELELE SIQHAMUKE MAQONDANA NOMA NGAPHANSI KWALESI SIVUMELWANO (KUNGABA NGAPHANSI KWEMIBONO YOKWEPHULA ISIVUMELWANO, UKUHLUKUNYEZWA, UKUMELWA KABI, UKUKHWABANISA, IWARANTI, UBUDEDENGU, ISIKWELETU ESIQINILE NOMA OMUNYE UMBONO WEZOMTHETHO) WEQE: (I) IMALI ENKULU NGOKUPHELELE EKHOKHELWE KU-LINCOLN NGUMSEBENZISI OGUNYAZIWE NGAPHANSI KWALESI SIVUMELWANO; NOMA (II) U.S. \$5.00. UKULINGANISELWA OKUNGENHLA, UKUKHISHWA KANYE NOKUZIHIPHA EMTHWALWENI KUZOSEBENZA KUZE KUFIKE EZINGENI ELIGUNYAZWE UMTHETHO OSEBENZAYO, NGISHO NOMA IKHAMBILI LIHLULEKA UKUFEZA INJONGO YALO EBALULEKILE.**
- b. **UKULINGANISELWA KWESIBOPHO. NGAPHANDLE KOKUPHIKISANA NANOMA YINI EQUKETHWE KULE EULA, \FUTHI KOKUHAMBILI PHAMBILI \OKUVUNYELWE KAKHULU NGAPHANSI KOMTHETHO OSEBENZAYO, NGISHO NE-LINCOLN NANOMA YIZIPHI IZIKHULU ZAYO, ABAQONDISI, ABASEBENZI, AMA-EJENTI NOMA ABAMELE NGEKE, NGAPHANSI KWANOMA YIZIPHI IZIMO, BABOPHEZELEKE KUMSEBENZISI OGUNYAZIWE NOMA KUNOMA YIMUPHI OMUNYE UMUNTU, INKAMPANI NOMA IBHIZINISI (KUNGABA ESENZWE NI ESIVULE KUSUKELA KWINKONTILEKA, UKUHLUKUNYEZWA NOMA ENYE INKOLELO YEZOMTHETHO) YOMONAKALO OKHETHEKILE, OHAMBISANAYO, OYISIBONELO, NOMA OMUNYE UMONAKALO ODALWE UKUTHOLAKALA NOMA UKUSETSHENZISWA KWEWEBHUSAYITHI YELAYISENSE, UHLELO LOKUSEBENZA OLUNELAYISENSE, I-DATABASE YOHLELO LOKUSEBENZA, NOMA OKUNYE, NOMA KUNJALO KUBANGELWA, KUFAPA PHAKATHI, NGAPHANDLE KOMKHAWULO, LOWO MONAKALO OQHAMUKA (I) KULWAZI NOMA IDATHA ETHOLWE KUWEBHUSAYITHI YELAYISENSI, UHLELO LOKUSEBENZA OLUNELAYISENSE NOMA I-DATABASE YOHLELO LOKUSEBENZA, (II) UKUTHEMBELA KWANOMA YIMUPHI UMUNTU EMINININGWANENI NOMA KWIMINININGWANE ETHOLWE KUWEBHUSAYITHI YELAYISENSI, ISICELO ESINELAYISENSE NOMA I-DATABASE YOHLELO LOKUSEBENZA, (III) UKUDLULISWA KWEGCIWANE NOMA UKUSUSWA NOMA UKULAHLEKA KWAMAFAYELA NOMA I-IMEYILI, (IV) UKULAHLEKA KWEDATHA NOMA IMINININGWANE YANOMA ILUPHI UHLOBO, (V) UKULAHLEKA KWENZUZO, UKUTHAKAZELELWA, UKUSETSHENZISWA, IDATHA NOMA OKUNYE UKULAHLEKA OKUNGAPHATHEKI (NOMA NGABE I-LINCOLN YELULEKWE NGOKUNGABA KHONA KWALOWO MONAKALO), (VI) ISIKWELETU SOKULIMALA KOMUNTU, NOMA (VII) ISIKWELETU KUMALUNGU ESITHATHU.\”**

\E-Italy: Ngokwamukela le EULA, Umsebenzisi ogunyaziwe uvuma ngokucacile futhi wamukela izinhlinzeko ezibekwe ezigabeni \ezilandelayo, ezingaba izigaba ezikhathazayo (“\Clausole vessatorie\”) ngokuya nge-Athikili 1341 ye-Italian Civil Code:

- \1.c “Imigomo Evamile - Indawo Ezungezile Yomsebenzisi Ogunyaziwe”, \8 “Isibopho Esilinganiselwe”, \8 “ISITATIMENDE”, \9 “UMKHAWULO WESIBOPHO NOKULINGANISELWA KWESIBOPHO”, \23 “I-Force Majeure” – Ukulinganiselwa kwesibopho.”;
- \2.a “Ithemu Nokunqanyulwa - Ithemu” – Ukuvuselelwa kwe-Tacit;
- \2.a “Ithemu Nokunqanyulwa - Ukunqanyulwa” – Ukunqanyulwa; kanye
- \18 “Umthetho Osebenzayo”, \22 “Ukuxazululwa Kwezingxabano” – Umthetho osebenzayo nesiphathimandla;

\E-Norway: Amalungu ayamukela futhi ayavuma ukuthi Lo musho olandelayo wengezwe ekugcineni Kwesigaba \10.a “Ukulinganiselwa Kwesibopho”: “Akukho mkhawulo wesikweletu oyosebenza ngezenzo ezibangelwe ubudedengu obukhulu be-Lincoln noma ukungaziphathi kahle ngamabomu”.

\E-Poland: Amalungu ayamukela futhi ayavuma ukuthi lezi zinguquko ezilandelayo ku-EULA zizosebenza maqondana namalungiselelo aqondile we-EULA achazwe ngezansi:

- a. Isigaba \2.a “Ithemu” lizomiselelwa ngalesi sigatshana esilandelayo: “Le EULA izosebenza kusukela ekwamukelweni kwale EULA Ngumsebenzisi Ogunyaziwe futhi izohlala isebenza isikhathi esingapheliyo, ngaphandle kwalapho i-EULA iqedwe ngaphambi kwesikhathi \njengoba kuvunyelwe ngaphansi kwale EULA”.
- b. Isigaba \7.a “Ukuvinjelwa ekusetshenzisweni” kuthathelwe indawo yisigatshana esilandelayo: “(i) maketha, thengisa, usabalalise, imali engaphansi, sebenzisa, shintsha, uhumushe, ukhiqize kabusha (ngaphandle kwalapho ukukhiqiza kabusha okusenqolobaneni kusikisela ukuthi umsebenzi onjalo uvunyelwe ngokusobala ngumthetho osebenzayo), kwakhiwe imisebenzi ethathwe kokunye, kulahlwe, kuqashwe, kuqashiswe, noma kugunyazwe noma kuvunyelwe ukufinyelela noma ukusetshenziswa kwanoma iyiphi ingxenye Yohlelo Lokusebenza Olunelayisense noma Uhlelo Lokusebenza Lesizindalwazi ngaphandle kokuthi kuvunyelwe ngokusobala kulokhu I-EULA;”
- c. Esigabeni \10.a “Ukulinganiselwa kwesibopho”, lo musho olandelayo wengezwa ekugcineni kwelungiselelo: “UKULINGANISELWA OKUNGENHLA KUZOSEBENZA KUZE KUFIKE EZINGENI ELIVUNYELWE UMTHEMHO OSEBENZAYO.”

\E-Slovakia: Amalungu ayamukela futhi ayavuma ukuthi lezi zinguquko ezilandelayo ku-EULA zizosebenza maqondana namalungiselelo aqondile we-EULA achazwe ngezansi:

- a. Esigabeni \1.a “Imigomo Evamile - Ukunikezwa Ilayisense”, lo musho olandelayo wengezwa ekugcineni Kwesigaba: “Lapho indlela yokusebenzisa Uhlelo Lokusebenza Olunelayisense kanye Nohlelo Lokusebenza Lesizindalwazi ingacaciswanga ngokucacile, Uhlelo Lokusebenza Olunelayisense kanye Nohlelo Lokusebenza Lesizindalwazi luyadingeka ukufeza inhloso yale EULA.”
- b. Esigabeni \18 “Umthetho Osebenzayo”, lo musho olandelayo wengezwa ekugcineni Kwesigaba: “Ngenxa yokuthi ubudlelwano phakathi kwe-Lincoln Nomsebenzisi Ogunyaziwe obuswa yile EULA ubuhlobo be-B2B, izinhlinzeko zokuvikelwa kwabathengi kuze kufike ezingeni elisebenza ngaphansi komthetho we-Slovak azisebenzi kule EULA.”

\E-Spain: Amalungu ayamukela futhi ayavuma ukuthi Isigaba \2.a “Ithemu Nokunqanyulwa - Ukunqanyulwa” kufanele kumiselelwe ngelungiselelo elilandelayo: “**Ukunqanyulwa.** Ngaphandle kokubandlulula amanye amalungelo, i-Lincoln ingaqeda le EULA ngokushesha lapho kuthunyelwa isaziso esibhaliwe sokunqanyulwa Komsebenzisi Ogunyaziwe uma Umsebenzisi Ogunyaziwe ehluleka ukuthobela imigomo nemibandela yale EULA. Ngaphezu kwalokho, ngaphandle kokuthi akuvunyelwe wumthetho osebenzayo, i-Lincoln ingaqeda le EULA ngokushesha lapho kuthunyelwa isaziso esibhaliwe sokuyekiswa Kumsebenzisi Ogunyaziwe ngemuva kokuthi umamukeli eseqokiwe ngokuqondene nayo yonke noma ingxenye enkulu yamafa Womsebenzisi Ogunyaziwe noma isicelo sokuqothuka noma sokufakwa kwemali esifakwe Ngumsebenzisi Ogunyaziwe noma ngokumelene naye, leso sicelo asichithiwe kungakapheli izinsuku ezingamashumi ayisithupha (60) kulandela ukuqalwa kwaso. Ngaphezu kwalokho, i-Lincoln ingayinqamula le EULA, iphelele noma iyingxenye, ukuze kube lula, noma ngaphandle kwembangela, ngesikhathi sokuqala noma nganoma yisiphi isikhathi sokuvuselela ngokunikeza Umsebenzisi Ogunyaziwe isaziso sokuqeda izinsuku ezingekho ngaphansi kwezinsuku ezingamashumi ayisithupha (60) ngaphambi kosuku lokuqala ukusebenza kokunqanyulwa. Kulesi senzakalo sokugcina, Umsebenzisi Ogunyaziwe uzoba nelungelo lokunxeshelwa ngomonakalo obangelwe ukunqanyulwa kwangaphambi kwesikhathi.”

\E-Russia: Amalungu ayamukela futhi ayavuma ukuthi lezi zinguquko ezilandelayo ku-EULA zizosebenza maqondana namalungiselelo aqondile we-EULA achazwe ngezansi:

- a. Lo musho olandelayo wengezwa ekugcineni Kwesigaba \1.a *“Imigomo Evamile - Ukunikezwa Ilayisense”*: *“Uhlelo Lokusebenza Olunelayisense Nohlelo Lokusebenza Lwesizindalwazi ziyizisombululo zebhizinisi. Umsebenzisi ogunyaziwe akumelwe asebenzise Uhlelo Lokusebenza Olunelayisense Nohlelo Lokusebenza Lwesizindalwazi ngokwakhe siqu, umndeni, umndeni nezinye izidingo ezihlobene nomthengi.”*
- b. Lo musho olandelayo wengezwa ekugcineni Kwesigaba \10.a *“Ukulinganiselwa kwesibopho”*: *“Umkhawulo wesibopho okuvunyelwene ngaso kulesi Sigaba \9ngeke usebenze uma lesi sibopho sivela ngenxa yokwephula ngamabomu izibopho ezenziwe yi-Lincoln.”*

\E-Turkey: Amalungu ayamukela futhi ayavuma ukuthi lo musho olandelayo wengezwe ekugcineni Kwesigaba \28.a *“Ukuyekelwa/Ukwabelwa”*: *“Umsebenzisi Ogunyaziwe umemezela ukuthi yonke imibandela yale EULA ifundwe ngokucophelela futhi ngalokho yamukelwa ngokucophelele ekuhlolweni okuningilizwe.”*

\ENingizimu Afrika: Amalungu ayamukela futhi ayavuma ukuthi lezi zinguquko ezilandelayo ku-EULA zizosebenza maqondana namalungiselelo aqondile we-EULA achazwe ngezansi:

- a. Esigabeni \1.c *“Indawo Ezungezile Yomsebenzisi Ogunyaziwe”*, amagama athi *“kungaphansi komthetho osebenzayo”* anezelwa ngaphambi kwamagama athi *“I-Lincoln ayibophekile nge”*;
- b. Esigabeni \10.a *“UMKHAWULO WESIBOPHO”*, amagama athi *“noma ukukhohlisa”* anezelwa ngemva kwegama elithi *“ukuhlukumeza”*
- c. Esigabeni \10.a *“UKULINGANISELWA KWESIBOPHO”*, amagama athi *“kodwa ngokomthetho osebenzayo”* anezelwa ngemva kwamagama athi *“ngaphandle kwanoma yini enye ephambene equkethwe kule EULA”* namagama athi *“noma ukukhohlisa”* anezelwa ngemva kwegama elithi *“ukuhlukumeza”*
- d. Esigabeni \28 *“UKUYEKELWA/UKWABELWA”*, le misho elandelayo izomelela umusho wesibili nowesithathu: *“Le EULA (kanye namalungelo nezibopho Zomsebenzisi Ogunyaziwe) ayinakwabelwa, inikezwe noma idluliselwe Ngumsebenzisi Ogunyaziwe ngaphandle kwemvume ebhaliwe ye-Lincoln. Le EULA (kanye namalungelo nezibopho Zomsebenzisi Ogunyaziwe) ingabelwa, inikezwe noma idluliselwe yi-Lincoln, ngokusebenza komthetho noma ngenye indlela, ngaphandle kwemvume noma imvume Yomsebenzisi Ogunyaziwe noma omunye umuntu, inkampani noma inhlangano.”*

\E-United Arab Emirates: Amalungu ayamukela futhi ayavuma ukuthi lezi zinguquko ezilandelayo ku-EULA zizosebenza maqondana namalungiselelo aqondile we-EULA achazwe ngezansi:

- a. Lo musho olandelayo wengezwa ekugcineni Kwesigaba \2 *“Ithemu Nokunqanyulwa”*: *“Umsebenzisi Ogunyaziwe ngeke abe nelungelo futhi ngokwalokhu uyekelela noma yimaphi amalungelo kunoma isiphi isinxephezelo nganoma yini ekuphelelweni noma ekuphelisweni kwale EULA ngokuya ngemigomo yayo. Ukuphelelwa yisikhathi noma ukuqedwa kwale EULA ngokuya ngemigomo yayo kuzokwenzeka ngokuzenzakalela futhi ngeke kudinge umyalo wenkantolo noma ukuqhubeka kwenkantolo noma esinye isenzo se-Lincoln, Umsebenzisi Ogunyaziwe noma elinye ilungu.”*
- b. Isigaba \18 *“Umthetho Osebenzayo”* usulwa ngokucophelele futhi sizofundeka ngale ndlela: **“19. N/A.”**
- c. Isigaba \22 *“\Ukuxazululwa Kwezingxabano”* kule EULA kuzomiselelwa ngaleli lungiselelo elilandelayo: **“22 “Ukuxazululwa Kwezingxabano”**. Amaqembu azozama ukuxazulula noma isiphi isimangalo noma impikiswano evela kule EULA ngokubonisana nangezingxoxo ngokukholwa okuhle ngomoya wokubambisana. Uma leyo mizamo ihluleka, lapho-ke impikiswano izolanyulwa ngumlamuleli owemukelwe ngakunye ukuze akhethwe amaqembu zingakapheli izinsuku ezingamashumi amane nanhlanu (45) ngemva kwesaziso esibhaliwe salolo nalolo hlangothi kolunye uhlangothi olufuna ukulamula. Alikho iqembu elingavimba ngokungafanele izizathu zokukhethwa komlamuleli. Amaqembu azokwabelana izindleko zokulamula ngokulingana. Ngokuvumelana, amaqembu angahlehlisa ukulamula kuze kuphuthulwe okuthile okucacisiwe kepha okulinganiselwe mayelana nengxabano. Amaqembu angahle futhi avumelane ngokufaka esikhundleni sokulamula afake enye indlela yokuxazulula izingxabano. Noma iyiphi impikiswano engenakuxazululwa amaqembu ngokuxoxisana, ngokulamula noma ngenye indlela yokuxazululwa kwezingxabano okuvunyelwene ngazo kungakapheli izinsuku eziyikhulu namashumi amabili (120) ngemva kosuku lokufunwa kwalo okokuqala elinye lamalungu kuzobhekiselwa kuwo futhi ekugcineni axazululwe ngokulamula ngaphansi kweMithetho Yokulamula Yesikhungo Sokulamula se-DIFC-LCIA, okuyimithetho ethathwa njengefakiwe ngokubhekiswa kulesi sigaba. Ulimi oluzosetshenziswa ekulamuni kufanele kube yisiNgisi. Kunoma yikuphi ukulamula okuqalisiwe ngokulandela lesi sigaba, inani labaxazululi lizoba linye futhi isihlalo, noma indawo esemthethweni, yokulamula kuzoba yi-Dubai International Financial Center, Dubai, United Arab Emirates. Umthetho owengamele le EULA kuzoba ngumthetho

osebenzayo we-States of Ohio, e-United States of America. Umhlangano Wezizwe Ezihlangene Wezinkontileka Zokuthengiswa Kwempahla Yomhlaba Wonke ngeke usebenze kule EULA.

\E-Taiwan: Amalungu ayamukela futhi ayavuma ukuthi lo musho olandelayo wengezwe ekugcineni Kwesigaba \10.a “Ukulinganiselwa kwesibopho”: “Umkhawulo onjalo awusebenzi kuzibopho ezibangelwe ubudedengu obukhulu noma ukungaziphathi kahle ngamabomu.”

\E-United Kingdom: Amalungu ayamukela futhi ayavuma ukuthi lezi zinguquko ezilandelayo ku-EULA zizosebenza maqondana namalungiselelo aqondile we-EULA achazwe ngezansi:

- a. Esigabeni \2.a “Ukunqanyulwa”, amagama athi “noma umlawuli” azongezwa ngemva kwathi “umamukeli” bese amagama athi “noma Umsebenzisi Ogunyaziwe” azongezwa ngemva kwathi “amafa Omsebenzisi Ogunyaziwe”;
- b. Isigaba \8\ “\Iwaranti Elaniganiselwe\” sizosebenza kwimigomo kanye namawaranti nemibandela futhi sizosebenza kuze kube sezingeni elivunyelwe wumthetho;
- c. Isigaba \8\ “\Isitatimende\” sizosebenza kwimigomo kanye namawaranti nemibandela futhi noma yiliphi igama elishiwoyo lekhwalithi egculisayo lizokhishwa;
- d. Isigaba \8 sizosebenza kuze kufike ezingeni elivunyelwe wumthetho;
- e. Isigaba \9 sizomiselelwa ngalesi sigatshana esilandelayo:

\“UMKHAWULO WESIBOPHO NOKULINGANISELWA KWESIBOPHO

- a. **UMKHAWULO WESIBOPHO.** NGAPHANDLE KWANOMA YIKUPHI OKUPHAMBENE NOKUQUKETHWE KULE EULA KODWA NGAPHANSI KWESIGABA \9(c), AKUNAKUSETSHENZISELWA UKUTHI ISIKWELETU SE-LINCOLN ESIPHELELE SIQHAMUKE MAQONDANA NOMA NGAPHANSI KWALESI SIVUMELWANO (KUNGABA NGAPHANSI KWEMIBONO YOKWEPHULA ISIVUMELWANO, UKUHLUKUNYEZWA, UKUMELWA KABI, UKUKHWABANISA, IWARANTI, UBUDEDENGU, ISIKWELETU ESIQINILE NOMA OMUNYE UMBONO WEZOMTHETHO) WEQE: (I) IMALI ENKULU NGOKUPHELELE EKHOKHELWE KU-LINCOLN NGUMSEBENZISI OGUNYAZIWE NGAPHANSI KWALESI SIVUMELWANO; NOMA (II) U.S. \$5.00. UKULINGANISELWA OKUNGENHLA, UKUKHISHWA KANYE NOKUZIKHIPHA EMTHWALWENI KUZOSEBENZA KUZE KUFIKE EZINGENI ELIGUNYAZWE UMTHETHO OSEBENZAYO, NGISHO NOMA IKHAMBANI LIHLULEKA UKUFEZA INJONGO YALO EBALULEKILE.
- b. **UKULINGANISELWA KWESIBOPHO.** NGAPHANDLE KOKUPHIKISANA NANOMA YINI EQUKETHWE KULE EULA KODWA NGAPHANSI KWESIGABA \9(c), I-LINCOLN NOMA YIZIPHI IZIKHULU ZAYO, ABAQONDISI, ABASEBENZI, AMA-EJENTI NOMA ABAMELE NGEKE, NGAPHANSI KWANOMA YIZIPHI IZIMO, BABOPHEZELEKE KUMSEBENZISI OGUNYAZIWE NOMA KUNOMA YIMUPHI OMUNYE UMUNTU, INKAMPANI NOMA IBHIZINISI (KUNGABA ESENZWE NI ESIVELE KUSUKELA KWINKONTILEKA, UKUHLUKUNYEZWA KUHLANGANISE NOBUDEDENGU NOMA ENYE INKOLELO YEZOMTHETHO) YOMONAKALO (A) OKHETHEKILE, OHAMBISANAYO, OYISIBONELO, NOMA OMUNYE UMONAKALO ODALWE UKUTHOLAKALA NOMA UKUSETSHENZISWA KWWEBHUSAYITHI YELAYISENSE, UHLELO LOKUSEBENZA OLUNELAYISENSE, UHLELO LOKUSEBENZA LESIZINDALWAZI, NOMA OKUNYE, NOMA KUNJALO KUBANGELWA, NOMA (B) LOWO MONAKALO OQHAMUKA (I) KULWAZI NOMA IDATHA ETHOLWE KUWEBHUSAYITHI YELAYISENSI, UHLELO LOKUSEBENZA OLUNELAYISENSE NOMA UHLELO LOKUSEBENZA LESIZINDALWAZI, (II) UKUTHEMBELA KWANOMA YIMUPHI UMUNTU EMINININGWANENI NOMA KWIMINININGWANE ETHOLWE KUWEBHUSAYITHI YELAYISENSI, ISICELO ESINELAYISENSE NOMA I-DATABASE YOHLELO LOKUSEBENZA, (III) UKUDLULISWA KWEGCIWANE NOMA UKUSUSWA NOMA UKULAHLEKA KWAMAFAYELA NOMA I-IMEYILI, (IV) UKULAHLEKA KWEDATHA NOMA IMINININGWANE YANOMA ILUPHI UHLOBO, (V) UKULAHLEKA KWENZUZO, UKUTHAKAZELELWA, UKUSETSHENZISWA, IDATHA NOMA OKUNYE UKULAHLEKA OKUNGAPHATHEKI (NOMA NGABE I-LINCOLN YELULEKWE NGOKUNGABA KHONA KWALOWO MONAKALO), (VI) ISIKWELETU SOKULIMALA KOMUNTU, NOMA (VII) ISIKWELETU KUBANTU BESITHATHU (ESIMWENI NGASINYE (A) KUNGABA NGOKUQONDILE NOMA NGOKUNGAQONDILE.
- c. Akukho lutho kule EULA oluzokhawulela noma lufake ngaphandle isikweletu sokulimala komuntu noma sokufa okubangelwe ubudedengu, ukukhwabanisa noma ukumelwa kabi kwenkohliso noma lapho ukulinganiselwa noma ukukhishwa kungavunyelwe wumthetho.”
- f. Isigaba \11 sizosebenza kuze kufike ezingeni elivunyelwe wumthetho.