

SolarWinds Trademarks and Copyrights Guidelines

The SolarWinds trademark and copyright guidelines are to assist SolarWinds partners and other SolarWinds **authorized** licensees, resellers, distributors, and designated third parties in their use of trademarks, service marks, trade dress, logos, or images owned by SolarWinds, Inc. or its subsidiaries (the “SolarWinds Trademarks” or “Trademarks”) in promotional, advertising, instructional, reference materials, or on their web sites, products, labels, or packaging.

The copyright guidelines are for SolarWinds partners and other **authorized** SolarWinds’ licensees, resellers, distributors, and designated third parties granted the limited right to use the SolarWinds copyrightable materials, which are original works of literary, artistic, musical, photographic, or film created by SolarWinds (the “SolarWinds Copyrights” or “Copyrights”).

Use of SolarWinds Trademarks and Copyrights is prohibited, unless expressly authorized by SolarWinds. This document outlines SolarWinds’ policy regarding the use of its Trademarks and Copyrights. Any use of any SolarWinds Trademark or Copyright that does not comply with this Policy or is not approved by us in writing is not authorized.

If you are a licensee of SolarWinds Trademarks and/or SolarWinds Copyrights and have been provided with specific usage guidelines with your License Agreement, please follow those guidelines. If your License Agreement does not provide usage guidelines, please follow the guidelines set forth herein. Please note, SolarWinds’ authorized resellers or members of the SolarWinds’ Partner Program may be subject to additional restrictions. **Please review all relevant SolarWinds’ agreement(s) and distributed policies to ensure compliance.**

SOLARWINDS TRADEMARKS POLICY

INTRODUCTION

SolarWinds Trademarks are valuable assets to SolarWinds, signifying the SolarWinds brand and its quality software products. The goodwill derived from using any part of the SolarWinds Trademarks exclusively inures to the benefit of and belongs to SolarWinds. In following the guidelines contained herein, you help us protect our valuable trademark rights and strengthen our corporate and brand identity. By using the SolarWinds Trademarks, in whole or in part, you assist us in further representing to the third parties that SolarWinds is the sole owner of the SolarWinds Trademarks. Further, it represents your promise to us that will not interfere with SolarWinds’ rights in the SolarWinds Trademarks, including challenging SolarWinds’ use, application to register, or registration of such trademark or copyright, alone or in combination with other words, designs, logos, or images, anywhere in the world. Your promise to not harm,

misuse, or bring into disrepute any of the SolarWinds Trademarks strengthens our relationship and encourages others to properly recognize the SolarWinds brand and products.

Except for the limited right to use as expressly permitted under this Policy, no other rights of any kind are granted hereunder, by implication or otherwise.

Please note, the attached *SolarWinds Branding Guidelines* details the color, size, orientation and other specifications for specific SolarWinds' Trademarks as required by SolarWinds.

If you have any questions regarding this policy or the *SolarWinds Branding Guidelines*, please promptly send an e-mail to SolarWinds' Legal Department at Legal@solarwinds.com.

Authorized Use of SOLARWINDS Trademarks

Authorized Parties

Only SolarWinds and its authorized licensees, resellers, distributors, and other pre-approved third parties may use the SolarWinds Trademarks in advertising, promotional, and sales materials.

The SOLARWINDS CERTIFIED PROFESSIONAL mark and the SOLARWINDS CERTIFIED PROFESSIONAL & Design mark (the "SCP Trademarks") may only be used by individuals who have passed the specific course, exam, and program requirements for a SolarWinds Certification.

SolarWinds' authorized resellers may use the SolarWinds Trademarks only as outlined herein and specified in their Partner agreement and such use must always be in conjunction with the appropriate terms that define the relationship authorized by their Agreement with SolarWinds.

Authorized Developer Use to Depict Compatibility

Authorized Developers may use the SolarWinds, Orion, or any other SolarWinds word mark (BUT NOT the SolarWinds Logo or any other SolarWinds-owned or generated graphic symbol/logo) in a **referential phrase** on packaging or promotional/advertising materials to indicate that the third party product is compatible with the referenced SolarWinds product or technology, provided compliance with the following requirements:

- a. **The product is in fact compatible with, or otherwise works with, the referenced SolarWinds product;**

- b. Authorized Developer obtains approval from SolarWinds to use the relevant SolarWinds trademark and provides SolarWinds with appropriate documentation that its product(s) are compatible with SolarWinds products;
- c. If the image of a SolarWinds product is utilized, the image is an actual photograph of the genuine SolarWinds product and not an artist's rendering (Note: You must obtain express written permission from SolarWinds before using any photograph owned or licensed by SolarWinds);
- d. The SolarWinds word mark **may not** be part of the product name;
- e. The SolarWinds word mark is used in a referential phrase such as "runs on," "for use with," "for," or "compatible with;"
- f. The SolarWinds word mark is less prominent than the product name;
- g. The reference to SolarWinds does not create a sense of endorsement, sponsorship, or false association with SolarWinds or SolarWinds products or services;
- h. The use does not show SolarWinds or its products in a false or derogatory light; rather, the SolarWinds product is shown only in the best light, in a manner or context that reflects favorably on the SolarWinds products and on SolarWinds Worldwide, LLC; and
- i. A trademark attribution notice is included, giving notice of SolarWinds' ownership of its trademark(s).

Publications, Seminars, and Conferences

You may use a SolarWinds word mark in connection with book titles, magazines, articles in periodicals, seminar or conference titles, provided you comply with the following requirements:

- a. The use is referential and/or less prominent than the rest of the title;

Acceptable: The ORION® Network Configuration Manager software produced by SolarWinds Worldwide, LLC delivers powerful and easy-to-use network configuration management.

Unacceptable: [Re-Branded] network configuration manager software delivers powerful and easy-to-use network configuration management.

Acceptable: XYZ CONFERENCE for SolarWinds Software Users

Unacceptable: SOLARWINDS SOFTWARE CONFERENCE hosted by XYZ

- b. The use reflects favorably on both SolarWinds and SolarWinds products or technology;
- c. Your name and logo appear more prominent than the SolarWinds word mark on all printed materials related to the publication, seminar, or conference;
- d. The SolarWinds logo or any other SolarWinds-owned graphic symbol, logo, icon or image **does not appear** on or in the publication or on any materials related to the publication, seminar, or conference without express written permission from SolarWinds;
- e. A disclaimer of sponsorship, affiliation, or endorsement by SolarWinds, similar to the following, is included on the publication and on all related printed materials: “(Title) is an independent (publication) and has not been authorized, sponsored, or otherwise approved by SolarWinds, Inc.”; and
- f. A trademark attribution notice is included in the credit section giving notice of SolarWinds’ ownership of its trademark(s). Please refer to the section below titled “Proper Trademark Notice and Attribution.”

Websites

Websites that serve only as noncommercial electronic informational forums concerning a SolarWinds product or technology may use the appropriate SolarWinds word mark, provided such use complies with the guidelines set forth in herein. If the website is utilized to generate commercial sales, then you may not utilize the SolarWinds product or technology without prior approval from SolarWinds.

Unauthorized Use of SolarWinds Trademarks

Company, Product, or Service Name

You may not use or register, in whole or in part, the SOLARWINDS mark, the ORION mark, or any other SolarWinds trademark, service mark, or logo, including SolarWinds-owned graphic symbols, logos, or icons, or an alteration thereof. This includes not utilizing the same as or as part of a company name, trade name, product name, or service name.

SolarWinds & Design Mark, Solar Flares Design Mark, and All Other SolarWinds-Owned Graphic Symbols

You may not use the SolarWinds & Design Mark, the Solar Flares Design Mark, or any other SolarWinds-owned graphic symbol, logo, or icon on or in connection with websites, products, packaging, manuals, promotional/advertising materials, or for any other purpose, unless you have received an express written trademark license from SolarWinds relating to the same and have received prior written approval as to your use of the same.

Variations, Takeoffs, or Abbreviations

Third parties may not use a variation, phonetic equivalent, foreign language equivalent, takeoff, or abbreviation of the SolarWinds Trademarks for any purpose, including the use of an image of real solar winds or other variation of a SolarWinds trademark and/or logo for any purpose. For example:

Unacceptable: SolarWindstorm software

Unacceptable: Nebula Network Management Configuration software

Disparaging, Unlawful, Lewd Manner

You may not use any of the SolarWinds Trademarks, including SolarWinds-owned graphic symbols, logos, or icons, in a disparaging, derogatory, unlawful, and/or lewd manner.

Endorsement or Sponsorship

SolarWinds does not support the use of its trademarks, logos/graphic symbols/icons, company names, product names, or images of SolarWinds products by other parties in its or third party

marketing, promotional, or advertising materials as such use may create the perception that SolarWinds endorses, sponsors, and/or supports the product, service, or promotion.

Merchandise Items

You may not manufacture, sell or give-away merchandise items, such as T-shirts and mugs, bearing the SOLARWINDS mark, the ORION mark, or any other SolarWinds Trademark, including symbols, logos, or icons, except pursuant to an express written trademark license from SolarWinds.

SolarWinds' Trade Dress

You may not imitate the distinctive SolarWinds packaging, logos, typefaces or the look, design or overall commercial impression of any SolarWinds website, blog or other materials.

Slogans and Taglines

You may not use or imitate a SolarWinds slogan or tagline.

Domain Names

You may not use an identical or virtually identical SolarWinds trademark, slogan, or tagline, as a domain name.

Proper Use, Trademark Notice, and Attribution

Proper Utilization

Trademarks are adjectives used to modify nouns; the noun is the generic name of a product or service. An appropriate generic term **MUST** appear after the trademark the first time it appears and as often as commercially reasonable after that. All SolarWinds Trademarks **MUST** be used as adjectives, with a generic term following the SolarWinds trademark.

For example:

ACCEPTABLE:

ORION® Network Performance Monitor Software
SOLARWINDS® Storage Profiler Software

UNACCEPTABLE:

Use ORION
Buy SolarWinds

Always spell the SolarWinds Trademarks exactly as they are shown in the *SolarWinds Branding Guidelines*. Do not shorten or abbreviate SolarWinds product names. Do not combine any names or designs with any of SolarWinds trademarks, service marks, trade dress, or logos.

Make the SolarWinds Trademarks distinguishable, at least in the first reference, and set it apart from the surrounded text, either by capitalizing it or by italicizing, bolding, or underlining it. Your website may not copy the look and feel of the SolarWinds website, as we do not want SolarWinds' customers to be confused as to which company s/he is dealing.

Distribution within the United States Only

Proper Trademark Notification. On product, product documentation, or other product communications that will be distributed only in the United States, use the appropriate trademark symbol (™, SM, ®) the first time the SolarWinds trademark appears in the text of the advertisement, brochure, or other material.

Provide Credit Notice. Include an attribution of SolarWinds' ownership of its trademarks within the credit notice section of your product, product documentation, or other product communication.

ACCEPTABLE:

SOLARWINDS, ORION, SOLARWINDS & Design, KIWI, and CATTOOLS are registered trademarks of SolarWinds Worldwide, LLC.

GEEK SPEAK and SOLARWINDS APPLICATION PERFORMANCE MONITOR are trademarks of SolarWinds Worldwide, LLC.

Distribution Outside the United States

Proper Trademark Notification. Use the jurisdiction relevant trademark symbols or notation on products, product documentation, or other product communications that will be distributed outside the United States. If you have any questions as to specific demarcation, please promptly email the SolarWinds Legal Department at Legal@solarwinds.com.

Provide Credit Notice. Include an attribution of SolarWinds' ownership of its trademarks within the credit notice section of your product, product documentation, or other product communication.

ACCEPTABLE:

SOLARWINDS, ORION, SOLARWINDS & Design, KIWI, and CATTOOLS are trademarks of SolarWinds Worldwide, LLC, registered in the U.S. and other countries.

GEEK SPEAK and SOLARWINDS APPLICATION PERFORMANCE MONITOR are trademarks of SolarWinds Worldwide, LLC.

Use of Third Party Marks

Do not utilize third party marks, unless SolarWinds and the owner of the representative marks have agreed, whereby SolarWinds can utilize the same. Please direct all inquiries as to whether such agreement exists to the Legal Department.

SOLARWINDS COPYRIGHTS POLICY

Like the SolarWinds Trademarks, the SolarWinds Copyrights are valuable assets to SolarWinds. All the goodwill derived from using any part of the SolarWinds Copyrights exclusively inures to the benefit of and belongs to SolarWinds. Except for the limited right to use as expressly permitted under this Policy, no other rights of any kind are granted hereunder, by implication or otherwise.

Rights in SolarWinds Copyrights.

SolarWinds Copyrights

Unless you obtain express written permission from SolarWinds to use a SolarWinds Copyright (including any cartoon, graphic, text, image, logo, or otherwise), you do not have authority to do the same. All information, graphics, text, materials, functions or other content contained on any SolarWinds' operated website ("Content") is copyrighted property of SolarWinds or its licensors. No Content from any SolarWinds website may be used, reproduced, transmitted, distributed, or otherwise exploited in any other way than as part of SolarWinds' website. Please reference the SolarWinds Privacy Policy and Terms of Use for further guidance as to User conduct on SolarWinds' website.

As to the downloads of SolarWinds software, the software and related documentation will be subject to the End User License Agreement for such software.

Third Party Copyrights

All rights in a copyright shall remain with the creator, unless the work is a work-for-hire, is commissioned by SolarWinds, makes significant use of SolarWinds' resources or personnel, or is otherwise subject to contractual obligations, and then, the copyright immediately and automatically will vest in SolarWinds under copyright law.

At all times, observe the rights of other copyright owners, and do not incorporate any copyrighted work or portion thereof into a SolarWinds Copyright, unless SolarWinds expressly has the authority to do the same.

SolarWinds is not responsible for content, information, materials, or otherwise connected to a SolarWinds' website via hyperlink, and this material is not copyright material of SolarWinds.

Copyright Notification

The following notice should be placed on all SolarWinds-owned materials in order to protect the SolarWinds Copyright:

Copyright © [YEAR] SolarWinds Worldwide, LLC. All Rights Reserved.

No other corporate, entity, or institutional name is to be used in the copyright notice. The date in the notice shall be the year in which the work is first published. If registration of the SolarWinds Copyright is appropriate, please contact the Legal Department at Legal@solarwinds.com.

Copyright and Other Agreements

If you would like to utilize a SolarWinds Copyright, and there is no copyright license in your Agreement with SolarWinds, please contact an authorized SolarWinds' representative and/or the SolarWinds Legal Department at Legal@solarwinds.com to obtain a Copyright License Agreement.

As contracts contain complex provisions relating to copyright, rights in data, royalties, publication and other proprietary data, software, licenses, please direct all such documents to the SolarWinds Legal Department at Legal@solarwinds.com for clarification and approval.

Trademark and Copyright Abuse Policy

If you encounter someone misusing the SolarWinds Trademarks or Copyrights, please notify the SolarWinds Legal Department at Legal@solarwinds.com, so that SolarWinds can evaluate the situation and respond in the appropriate manner.

Trademark and Copyright Use Approval and/or Questions

SolarWinds has tried to make its trademark and copyright policy as comprehensive as possible. If you're considering a use of a SolarWinds Trademark or Copyright in a manner that is not covered by the Policy, or if you need approval from SolarWinds as to such use, please feel free to contact us at the Legal Department at Legal@solarwinds.com.