

Assurance Programs: Novell® vs. Red Hat

When you buy any product from Novell, you are protected in at least three ways by our Novell Technology Assurance Program:

- Copyright, patent, trademark and trade secret coverage through the Novell Indemnification Program
- Patent protection through the Novell and Microsoft partnership
- Our willingness to use the large Novell software patent portfolio (more than 500 patents) as a deterrent to patent aggression against SUSE® Linux Enterprise and other Novell products (Red Hat has a much smaller patent portfolio, with no record of patent defense.)

The following is a tabular comparison of the Novell and Red Hat assurance programs:

	Novell Technology Assurance Program	Red Hat Open Source Assurance Program
Products Covered	All proprietary and Linux-based Novell products	All Linux-based Red Hat products
Customer Qualifications	Purchase and maintain ongoing subscription (maintenance/support)	Purchase and maintain ongoing subscription (maintenance/support)
Areas of Coverage	Copyrights, patents, trademarks and trade secrets	Copyrights, patents, trademarks and trade secrets
Subscription Required	Yes	Yes
Damages Coverage	For large enterprise Master License Agreement (MLA) customers, damages are capped at the lesser of US\$1.5 million or twice fees paid. For non-MLA customers, damages are capped at fees paid during the previous 12-month period.	For all customers, damages are capped at fees paid during the previous 12-month period.
Defense Cost Coverage	Unlimited for MLA Capped for non-MLA customers at fees paid in the 12 months preceding a claim	Capped at fees paid in the 12 months preceding a claim
Purchase Requirements	No minimum	No minimum
Registration Requirement	None	None
Microsoft Patent Protection	Yes, for all Novell products	None
Protection via Patent Portfolio	Yes	Almost none: Red Hat opposes software patents

Overall, the Novell Technology Assurance Program is stronger and more extensive than the Red Hat Open Source Assurance Program:

- Novell places no limit on defense cost coverage for MLA customers.
- Novell provides better damages coverage than Red Hat, especially for MLA customers.
- The Novell and Microsoft relationship provides additional patent protection for all Novell products.
- Novell is willing to use its large software patent portfolio to protect its customers.

When you buy Novell products, you know you're covered. The comparatively limited offerings of the Red Hat Open Source Assurance program do not provide the coverage you need to secure your enterprise. With Novell, you receive patent protection for all Novell products through our partnership with Microsoft and through our willingness to use our patent portfolio as a deterrent to patent aggression against all of our products—including our Linux-based offerings.

With the Novell Technology Assurance Program and our ownership of the UNIX copyright, we are able to support our customers with one of the most extensive IP protection offerings in the industry. Red Hat customers simply do not have this level of protection for their software.