

**SAP Emarsys Customer Engagement
Supplemental Terms and Conditions
SAP Emarsys Customer Engagement 補充條款與條件**

This Supplement is part of an agreement for SAP Cloud Services between SAP and Customer and applies only to SAP Emarsys Customer Engagement product(s) for which Customer is subscribed (the “Cloud Service”). Any documents referenced in this Supplement are available upon request.

本補充條款係 SAP 與客戶之間就 SAP 雲端服務所訂合約之一部分，僅適用於客戶訂閱之 SAP Emarsys Customer Engagement 產品 (以下簡稱「雲端服務」)。客戶可索取本補充條款所引用之任何文件。

1. DEFINITIONS

名詞定義

- 1.1. **Active Users** means the number of individuals that access the Cloud Service at any time during a calendar month.
有效使用者係指可在曆月期間隨時存取雲端服務的個人數量。
- 1.2. **Contacts** means the number of unique records of customers, prospects, employees, business partners, and constituents within the context of the Cloud Service. Unique records means each separate ID entry of customers, prospects, employees, business partners and other constituents within the context of the Cloud Service entered by the Customer in Emarsys systems.
聯絡人係指本雲端服務內容內的客戶、潛在客戶、員工、業務夥伴和委託人的唯一記錄數。唯一記錄係指客戶在 Emarsys 系統中所輸入雲端服務內容內的客戶、潛在客戶、員工、業務夥伴和其他委託人的每項單獨 ID 輸入。
- 1.3. **Transactions** means messages, jobs or tasks processed by the Cloud Service in a contract year.
交易係指雲端服務在一契約年度中處理的訊息、工作或任務。

2. CLOUD SERVICE

雲端服務

- 2.1. The Cloud Service requires SAP Emarsys Customer Engagement as an email marketing customer engagement platform (the “Core”).
雲端服務需要將 SAP Emarsys Customer Engagement 作為電子郵件行銷客戶互動平台 (以下簡稱「核心」)。
- 2.2. **Test Tenant.** Customer may subscribe to a test tenant that is described in the Documentation (each a “Test Tenant”) for non-productive purposes only. The Test Tenant is limited to 100,000 Contacts.
測試租用戶。客戶得訂閱本文件所述之測試租用戶 (各為「測試租用戶」)，但僅得用於非正式運作目的。測試租用戶限用於 100,000 位聯絡人。

3. FEES

費用

- 3.1. **Usage Metric.** The Usage Metric for the Core of the Cloud Service is Contacts in blocks of 100,000 Contacts. Subscriptions to the Core of the Cloud Service include monthly entitlements of emails sent to customers as part of marketing campaigns in the amount of five times the number of licensed Contacts.
使用度量。雲端服務核心的使用度量為聯絡人，以 100,000 位聯絡人為單位計算。雲端服務核心的訂閱包括視為行銷活動的一部分傳送給客戶的每月電子郵件權益，金額為獲授權的聯絡人數量的五倍。
- 3.2. **Optional Services.** The following services may be added to a Cloud Service subscription for additional fees based on the following Usage Metrics and requirements.
選購服務。當事人得根據以下使用度量和要件，在雲端服務訂閱中增加下列服務，並須額外付費。
- 3.2.1. **SAP Emarsys Customer Engagement, advanced integration capabilities.** The Usage Metric for SAP Emarsys Customer Engagement, advanced integration capabilities is Contacts in blocks of 100,000 Contacts. SAP Emarsys Customer Engagement, advanced integration capabilities requires a subscription

for the same number of Contacts as the Core.

SAP Emarsys Customer Engagement：進階整合功能。SAP Emarsys Customer Engagement：進階整合功能的使用度量為聯絡人，以 100,000 位聯絡人為單位計算。SAP Emarsys Customer Engagement：進階整合功能需要與核心相同的聯絡人數量之訂閱。

- 3.2.2. **SAP Emarsys Customer Engagement, omnichannel marketing option.** The Usage Metric for SAP Emarsys Customer Engagement, omnichannel marketing option is Contacts in blocks of 100,000 Contacts. SAP Emarsys Customer Engagement, omnichannel marketing option requires a subscription for the same number of Contacts as the Core and includes Web channel impressions on a 1:1 basis as the same number of Contacts as the Core. Web channel impressions are web impressions that are used to create digital views or engagements for marketing content on the end user screen.

SAP Emarsys Customer Engagement：全通路行銷選項。SAP Emarsys Customer Engagement：全通路行銷選項的使用度量為聯絡人，以 100,000 位聯絡人為單位計算。SAP Emarsys Customer Engagement：全通路行銷選項需要與核心相同的聯絡人數量之訂閱，且其中包括根據 1:1 的比例進行與核心相同的聯絡人數量之 Web 通路瀏覽次數。Web 通路瀏覽次數係指終端使用者螢幕上用來建立行銷內容的數位視圖或互動的 Web 瀏覽次數。

- 3.2.3. **SAP Emarsys Customer Engagement, mobile app marketing option.** The Usage Metric for SAP Emarsys Customer Engagement, mobile app marketing option is Active Users. Active Users is based on the number of identified users so that one identified user on multiple hardware IDs is counted as one Active User. One identified user and one anonymous user sharing the same hardware ID would also be counted as one Active User.

SAP Emarsys Customer Engagement：行動應用程式行銷選項。SAP Emarsys Customer Engagement：行動應用程式行銷選項的使用度量為有效使用者。有效使用者係以識別的使用者數量為基礎，在多硬體 ID 之一個已識別使用者視同一位有效使用者。分享相同硬體 ID 的一位已識別使用者和一位匿名使用者也視同一位有效使用者。

- 3.2.4. **SAP Emarsys Customer Engagement, e-commerce accelerator.** The Usage Metric for SAP Emarsys Customer Engagement, e-commerce accelerator is Contacts in blocks of 100,000 Contacts. SAP Emarsys Customer Engagement, e-commerce accelerator requires a subscription for the same number of Contacts as the Core.

SAP Emarsys Customer Engagement：電子商務加速器。SAP Emarsys Customer Engagement：電子商務加速器的使用度量為聯絡人，以 100,000 位聯絡人為單位計算。SAP Emarsys Customer Engagement：電子商務加速器需要與核心相同的聯絡人數量之訂閱。

- 3.2.5. **SAP Emarsys Customer Engagement, e-commerce accelerator, offline stores option.** The Usage Metric for SAP Emarsys Customer Engagement, e-commerce accelerator, offline stores option is Contacts in blocks of 100,000 Contacts. SAP Emarsys Customer Engagement, e-commerce accelerator, offline stores option requires a subscription to SAP Emarsys Customer Engagement, e-commerce accelerator and both SAP Emarsys Customer Engagement, e-commerce accelerator, offline stores option and SAP Emarsys Customer Engagement, e-commerce accelerator require a subscription for the same number of Contacts as the Core.

SAP Emarsys Customer Engagement：電子商務加速器，離線商店選項。SAP Emarsys Customer Engagement：電子商務加速器，離線商店選項的使用度量為聯絡人，以 100,000 位聯絡人為單位計算。SAP Emarsys Customer Engagement：電子商務加速器，離線商店選項需要訂閱 SAP Emarsys Customer Engagement：電子商務加速器，且 SAP Emarsys Customer Engagement：電子商務加速器，離線商店選項和 SAP Emarsys Customer Engagement：電子商務加速器都需要與核心相同的聯絡人數量之訂閱。

- 3.2.6. **SAP Emarsys Customer Engagement, e-commerce accelerator, loyalty module.** The Usage Metric for SAP Emarsys Customer Engagement, e-commerce accelerator, loyalty module, is Contacts in blocks of 100,000 Contacts. SAP Emarsys Customer Engagement, e-commerce accelerator, loyalty module, requires a subscription for the same number of Contacts as the Core. SAP Emarsys Customer Engagement, e-commerce accelerator, loyalty module requires a subscription to SAP Emarsys Customer Engagement, e-commerce accelerator and both SAP Emarsys Customer Engagement, e-commerce accelerator, loyalty

module and SAP Emarsys Customer Engagement, e-commerce accelerator require a subscription for the same number of Contacts as the Core.

SAP Emarsys Customer Engagement：電子商務加速器，忠誠度模組。 SAP Emarsys Customer Engagement：電子商務加速器，忠誠度模組的使用度量為聯絡人，以 100,000 位聯絡人為單位計算。SAP Emarsys Customer Engagement：電子商務加速器，忠誠度模組需要與核心相同的聯絡人數數量之訂閱。SAP Emarsys Customer Engagement：電子商務加速器，忠誠度模組需要訂閱 SAP Emarsys Customer Engagement：電子商務加速器，且 SAP Emarsys Customer Engagement：電子商務加速器，忠誠度模組和 SAP Emarsys Customer Engagement：電子商務加速器都需要與核心相同的聯絡人數數量之訂閱。

- 3.2.7. **SAP Emarsys Customer Engagement, additional emails.** The Usage Metric for SAP Emarsys Customer Engagement, additional emails is Transactions in blocks of 100,000 Transactions per year. Transactions for SAP Emarsys Customer Engagement, additional emails are emails sent to customers as part of marketing campaigns.

SAP Emarsys Customer Engagement：附加電子郵件。 SAP Emarsys Customer Engagement：附加電子郵件的使用度量為交易，以每年 100,000 個交易為單位計算。SAP Emarsys Customer Engagement：附加電子郵件的交易係指作為行銷活動的一部分傳送給客戶的電子郵件。

- 3.2.8. **SAP Emarsys Customer Engagement, additional Web channel impressions.** The Usage Metric for SAP Emarsys Customer Engagement, additional Web channel impressions is Transactions in blocks of 100,000 Transactions per year. Transactions for SAP Emarsys Customer Engagement, additional Web channel impressions are web impressions that are used to create digital views or engagements for marketing content on the end user screen. SAP Emarsys Customer Engagement, additional Web channel impressions requires a subscription to SAP Emarsys Customer Engagement, omnichannel marketing option.

SAP Emarsys Customer Engagement：附加 Web 管道瀏覽。 SAP Emarsys Customer Engagement：附加 Web 管道瀏覽的使用度量為交易，以每年 100,000 個交易為單位計算。SAP Emarsys Customer Engagement：附加 Web 管道瀏覽的交易係指終端使用者螢幕上用來建立行銷內容的數位視圖或互動的 Web 瀏覽次數。SAP Emarsys Customer Engagement：附加 Web 管道瀏覽需要訂閱 SAP Emarsys Customer Engagement：全通路行銷選項。

- 3.2.9. **SAP Emarsys Customer Engagement, additional account.** Customers may purchase an additional account for the Cloud Service which entitles Customers to an additional productive tenant of the Cloud Service, including all optional services purchased by the Customer (collectively, the “Original Order”). Subscription entitlements of the Original Order (i.e. monthly email entitlements, Contacts, Web channel impressions, etc.) shall be shared with the additional productive tenant of the Cloud Service licensed under the SAP Emarsys Customer Engagement, additional account.

SAP Emarsys Customer Engagement：附加帳戶。 客戶得訂購雲端服務的額外帳戶，其可讓客戶享有額外的雲端服務正式運作租用戶，包括客戶所訂購的所有選購服務（以下通稱為「原始訂購單」）。原始訂購單的訂閱權益（例如：每月電子郵件權益、聯絡人、Web 管道瀏覽次數等）應與依據 SAP Emarsys Customer Engagement：附加帳戶取得授權的額外雲端服務正式運作租用戶共用。

4. **ADDITIONAL TERMS.**

其他條款。

4.1. **Data Processing.**

資料處理。

- 4.1.1. Tracking. Customer agrees that SAP's affiliate Emarsys eMarketing Systems AG and its subsidiaries (collectively, “Emarsys”) may track user interactions with the Cloud Service and page performance related data on the Cloud Service platform UI. Emarsys will use this collected data to identify problems in time, improve user experience and facilitate and improve operation of the Cloud Service. Any data collected is only used for these product development purposes.

追蹤。客戶同意 SAP 的關係企業 Emarsys eMarketing Systems AG 及其子公司（以下通稱「Emarsys」）得在雲端服務平台 UI 上使用雲端服務追蹤使用者互動及網頁效能相關資料。Emarsys 將使用此收集之資料及時辨識問題、改善使用者經驗，以及促進與改善雲端服務的操作。收集之任何資料僅供這些產品開發目的使用。

4.1.2. Customer may not use the Cloud Service to process any special categories of personal data as set out in Article 9 of the GDPR and all other applicable data protection laws.

客戶不得使用雲端服務來處理任何特殊類別的個人資料，詳如 GDPR 第 9 條及所有其他適用的資料保護法之規定。

4.1.3. In deviation from the Product Development Schedule, SAP may as the Customer's processor and under the terms of the Personal Data Processing Agreement for SAP Cloud Services and as instructed by Customer hereby anonymize Customer Data in order to use the so anonymized data for the purposes of (i) developing and improving the Cloud Service and other products and services of SAP, SAP SE and SAP Affiliates and (ii) benchmarking purposes as further described in the this paragraph. When using Customer Data for benchmarking purposes, SAP, SAP SE and SAP Affiliates will aggregate the anonymized data with other anonymized data, including the data of other customers so long as such aggregation omits any data that would enable the identification of Customer, Customer's clients, or any individual, company or organization ("Aggregated Data"). SAP, SAP SE and SAP Affiliates may use the Aggregated Data for the purpose of benchmarking industry practices, in particular for (i) creating and making available to Customer and Emarsys analyses on Customer's usage of the Cloud Service services (which Emarsys will also use to improve the Cloud Service), and (ii) creating and making publicly available anonymous market, trend and/or usage analysis.

其與產品開發明細表不同的是：SAP 得作為客戶的處理商，並根據 SAP 雲端服務個人資料處理合約的條款，依照客戶的指示對客戶資料進行匿名處理，以便將此等匿名處理的資料作為下列目的使用：(i) 開發和改善雲端服務以及 SAP、SAP SE 和 SAP 關係企業的其他產品和服務；以及 (ii) 本段落中進一步描述的基準測試目的。將客戶資料用於基準測試目的時，SAP、SAP SE 和 SAP 關係企業會將匿名處理的資料與其他匿名處理的資料加以彙總，包括其他客戶的資料，前提是此等彙總應略過可能會啟用客戶、客戶的用戶端或任何個人、公司或組織的辨識之任何資料（以下通稱「彙總資料」）。SAP、SAP SE 和 SAP 關係企業得將彙總資料作為基準測試業界實務使用，特別是供：(i) 建立後提供給客戶，而 Emarsys 會根據客戶對雲端服務的使用情況進行分析（Emarsys 亦將使用該項分析來改善雲端服務），以及 (ii) 建立並公開提供匿名市場、趨勢和/或使用情況分析。

4.1.4. Usage of IBM Compose as a subprocessor.

使用 IBM Compose 作為分處理商。

SAP uses Compose LLC (an IBM affiliate, hereinafter "Compose") as a subprocessor for the processing of Customer's personal data. Any such usage of Compose as subprocessor is subject to the terms of the Personal Data Processing Agreement for SAP Cloud Services with the following deviations:

SAP 使用 Compose LLC (IBM 關係企業，以下稱「Compose」) 作為客戶個人資料處理作業的分處理商。任何將 Compose 視同分處理商的此等使用應受 SAP 雲端服務個人資料處理合約之條款所拘束，但以下為例外條款：

a) Technical and organizational measures. Compose's foundational TOMs can be found in IBM's Data Security and Privacy Principles for IBM Cloud Services (<https://www.ibm.com/cloud/data-security>), with the following deviations:

技術和組織措施。Compose 的基礎 TOM 可以參閱 IBM 的 IBM 雲端服務資料安全性與隱私權原則 (Data Security and Privacy Principles for IBM Cloud Services) (網址為：<https://www.ibm.com/cloud/data-security>)，但以下為例外條款：

- Compose's service does not provide for an annual ISO 27001 Certification;
Compose 的服務不提供年度 ISO 27001 認證 (Certification)；
- Compose's service does not provide for a SOC2 audit;
Compose 的服務不提供 SOC2 稽核；
- Personal data is encrypted when transmitted by Compose on any public networks;
由 Compose 於任何公共網路上進行傳輸之個人資料均已加密；
- Personal data is encrypted at rest within the Compose Cloud Datacenter;
個人資料係加密靜置在 Compose Cloud Datacenter 內；

- Compose's service has business continuity plans in place which involve daily backups of personal data to support eventual recovery of the service, and associated personal data, in the event of a corresponding disaster; and
Compose 的服務已備妥業務持續性計劃，其與個人資料的每日備份相關，可在發生對應災害時支援服務和相關個人資料的最終復原；以及
 - Compose's service does currently not provide any industry recognized compliance, certifications, attestations, or reports.
Compose 的服務目前不提供任何業界認可的法規遵循、認證、鑑定或報告。
- b) Subprocessors used by Compose. Information regarding subprocessors used by Compose and their exchange can be found at <https://www.compose.com/DPA-exhibit.html>.
Compose 所使用的分處理商。有關 Compose 所使用的分處理商之相關資訊，請參閱：
<https://www.compose.com/DPA-exhibit.html>。
- 4.2. **Google Match.** If Customer integrates the Cloud Service with Google Customer Match, Customer will comply with the Google Customer Match policies available at <https://support.google.com/adspolicy/answer/6299717?hl=en>.
Google Match。如果客戶將雲端服務與 Google Customer Match 整合，則客戶將遵守 Google Customer Match 的政策，可於下列網址取得：<https://support.google.com/adspolicy/answer/6299717?hl=en>。
- 4.3. **EU Access.** EU Access deployment option is not available for the Cloud Service.
EU Access。EU Access 部署選項不適用於本雲端服務。