

| <div>varian</div> | | Copyright Protection and Use | | |
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| Policy Number | Rev. | Effective Date | Department Owner | Link to Change History... |
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1.0 Purpose

This document communicates Varian's copyright protection and use policy. This policy has the following objectives:

- To ensure that all stakeholders understand the importance of Varian copyright protection and use
- Implement appropriate safeguards and procedures to protect Varian's copyrights
- Ensure that Varian does not knowingly infringe third-party copyrights

2.0 Scope

Varian's copyrights may have significant value, and it is vital to the continued growth of Varian that all employees adhere to this policy and its guidelines for protecting these assets. Varian also respects the copyrights of others. Improper use of copyrighted materials by Varian employees could expose the employees and Varian to substantial civil and criminal penalties. All employees are required to comply with federal copyright law and this policy.

3.0 Responsibilities

3.1 Business Unit Responsibilities

- Ensuring compliance with this policy
- Providing required materials and information in support of applications for copyright registration
- Obtaining appropriate licenses or permissions for the specific intended use(s) of third party works protected by copyright

3.2 Legal Department Responsibilities

- Advising on the proper use of copyrights
- Working with Business Units to ensure appropriate Varian permissions and licenses to Varian works and appropriate third party permissions and licenses to third party works
- Collaborating with Varian IP on enforcement of Varian copyright


3.3 Varian IP Responsibilities

- Establishing, reviewing and updating this policy
- Applying for copyright registration, as applicable
- Investigating and enforcing Varian's rights under copyright law
- Investigating and responding to allegations of copyright infringement by Varian

4.0 Policy

4.1 Protecting Varian's Copyrights

- 4.1.1 Varian invests significant resources in its copyright assets, which include Works such as designs, images, software, publications, promotional materials, websites, product packaging, labels and manuals. Varian employees must protect Varian Works and the value of these assets from infringement by others.
- 4.1.2 In general, a Work created by Varian employees in the scope of their employment are owned exclusively by Varian as works made for hire under the United States Copyright Act and similar laws worldwide. Materials created by third-party independent contractors for Varian may, in some cases, also be works made for hire. Contact your Business Unit or Regional legal counsel prior to

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engaging any third-party independent contractors to confirm and secure Varian's copyright ownership in contractor work product.

- 4.1.3 Do not allow others to use Varian Works without appropriate internal approval. If a third party requests a license or permission to use any Varian Work, please contact your Business Unit or Regional legal counsel.
- 4.1.4 Suspected infringements of Varian Works should be reported to your Business Unit or Regional legal counsel. It is important that action be taken quickly because undue delay can potentially limit legal remedies. If Varian must take enforcement action, time is of the essence and statutes of limitation and filing deadlines must be complied with.
- 4.1.5 Use of a © symbol or copyright notice may be optional for copyright protection of a work. It is Varian's policy to include an appropriate copyright notice on all Varian Works. The copyright notice may take the following forms:
 - © XXXX Varian Medical Systems, Inc. All rights reserved.
 - © XXXX-XXXX Varian Medical Systems, Inc. All rights reserved.

where XXXX is the year the Work was first published and XXXX-XXXX represents a range of years spanning from the date of first publication of the Work through the latest version of the Work. The copyright notice must be legible and placed in a conspicuous location such as in an "About Box", the title page, or in the footer of the Work.
- 4.1.6 Employees should not externally distribute Varian Works without ensuring that appropriate security measures have been implemented to protect Varian's copyrights. Varian's security measures include the procedures set forth by Varian Information Security identified in the references section.
- 4.1.7 Registration with the US Copyright Office is not required for copyright protection. It is Varian's policy to submit Works for copyright registration in the relevant copyright office(s) immediately prior to filing a complaint for enforcement of Varian's rights under copyright law. Exceptions to this policy may be made by Intellectual Property in conjunction with Business Unit requests. Exceptions require Business Unit financing. Prior to applying for registration, Intellectual Property will request required information and materials from the Business Owner.

4.2 Proper Use of Third-Party Copyrights

- 4.2.1 Varian employees may need to use third-party copyrighted works in executing their duties, including promotional material of Varian business partners such as third party interoperability partners, distributors, software created by research and development partners, images from creative partners, developers of creative materials for marketing campaigns, etc. It is against Varian policy for any employee to copy, scan, digitize, distribute, broadcast, perform, excerpt, modify, translate, or otherwise use any third-party copyrighted works, whether for personal use, internal or external Varian use, or use by others, in violation of copyright laws.
- 4.2.2 Use of third-party copyrighted works generally requires permission or a license. If a work was created by a third-party contractor, confirm with your Business Unit or Regional legal counsel that the contractor has entered into Varian's third-party contractor agreement and has agreed to assign all works to Varian. If the contractor has not entered into this written agreement, the third-party contractor owns the copyright in the Work.
- 4.2.3 Providing attribution regarding the source, author, or owner of a work does not eliminate the need to obtain permission or a license for use of the Work. If there are any questions regarding the


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permissibility of using third-party copyrighted works, please contact your Business Unit or Regional legal counsel for additional guidance.

- 4.2.4 Do not assume that the proposed use of a third-party copyrighted work will qualify as fair use. Contact your Business Unit or Regional legal counsel before relying on fair use instead of seeking permission or a license.
- 4.2.5 Permission to use third-party copyrighted works should be obtained through your Business Unit or Regional legal counsel.
- 4.2.6 Varian may have purchased or licensed the use of certain third-party copyrighted works through a copyright license. Varian employees must comply with all terms and conditions of any applicable agreements concerning the use of these third-party copyrighted works. Confirm with your Business Unit or Regional legal counsel whether the proposed use complies with these agreements.
- 4.2.7 Do not assume that materials without a © symbol or a copyright notice are available for use without permission of the copyright owner. If you are unsure whether a work is protected by copyright, assume that the work is copyrighted and follow the procedures for obtaining permission or license described above.
- 4.2.8 Do not assume that materials that are available on the internet or social media may be copied, distributed, or otherwise used without permission of the copyright owner, regardless of the ability to access, copy, or download such materials. The use of content posted on the internet or social media is also subject to the website or app provider's applicable terms of use. Do not circumvent or otherwise impair or remove any electronic or digital copyright protection measures. If you are unsure whether a work is protected by copyright, assume that the work is copyrighted and follow the procedures for obtaining permission or license described above.
- 4.2.9 Varian facilities and equipment may not be used to make or distribute unauthorized copies of copyrighted materials whether for personal use, internal or external Varian use, or use by others.

5.0 Definitions

| Term/ Abbreviation | Explanation |
|------------------------|---|
| <i>Varian</i> | Varian Medical Systems, Inc., its subsidiaries and affiliates worldwide. |
| <i>Varian IP</i> | The IP department dedicated to Varian. |
| <i>Work</i> | <p>Means an original work that:</p> <ul style="list-style-type: none"> • is independently created by the author(s); and • has some minimal creativity (the required level of creativity is low). <p>A work is “created” when it is fixed in a copy for the first time; where a work is prepared over a period of time, the portion of it that has been fixed at any particular time constitutes the work as of that time, and where the work has been prepared in different versions, each version constitutes a separate work. Examples of types of works include literary, pictorial and audiovisual materials.</p> |
| <i>Collective Work</i> | A “collective work” is a work, such as a periodical issue or anthology, in which a number of contributions, constituting separate and independent works in themselves, are assembled into a collective whole. |


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| <i>Fixed</i> | A work is “fixed” in a tangible medium of expression when its embodiment in a copy, by or under the authority of the author, is sufficiently permanent or stable to permit it to be perceived, reproduced, or otherwise communicated for a period of more than transitory duration. |
| <i>Reproduction</i> | Making copies of a work |
| <i>Distribution</i> | Transferring ownership of a tangible copy of a work, or transferring custody, but not ownership, of a tangible copy, for example, through rental or lending. |
| <i>Transfer of ownership</i> | An assignment, exclusive license, or any other conveyance of a copyright or of any of the exclusive rights comprised in a copyright, whether or not it is limited in time or place of effect, but not including a nonexclusive license. |
| <i>Publication</i> | Means the distribution of copies of a work to the public by sale or other transfer of ownership, or by rental, lease, or lending. The offering to distribute copies to a group of persons for purposes of further distribution, public performance, or public display, constitutes publication. A public performance or display of a work does not of itself constitute publication. |
| <i>Public Performance</i> | (1) to perform or display a work at a place open to the public or at any place where a substantial number of persons outside of a normal circle of a family and its social acquaintances is gathered; or (2) to transmit or otherwise communicate a performance or display of the work to a place open to the public or outside of a small gathering of family or social acquaintances by means of any device or process, whether the members of the public capable of receiving the performance or display receive it in the same place or in separate places and at the same time or at different times. |
| <i>Derivative Work</i> | A work based upon one or more preexisting works, such as a translation, abridgment, condensation, or any other form in which a work may be recast, transformed, or adapted. A work consisting of editorial revisions, annotations, elaborations, or other modifications, which as a whole, represent an original work of authorship, is a “derivative work”. |

6.0 References and Appendices

6.1 References

6.1.1 VIT0101 Varian Product LifeCycle Cybersecurity Procedure

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| 01 | Update Company Policy | Complete reformat and update from 12-14-90 Company Practice 3406. Obsolete Company Practice 3406 | 08 June 2021 | R. Whitney |

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| Signatures | “The electronic signature record will be appended to the last page of the secured document.” |
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Document Signing Page

This document has been reviewed and electronically signed by the following people:

Workflow ID: 170751929, Doc Title: IP02-Rev 01-Copyright Protection and Use Policy.docx, Doc No:IP02, Approver: Reeta Whitney (rwhitneo), Title: Process Owner, Date: Friday, 01/14/2022 02:46 PM Pacific Daylight Time, Meaning: I approve this document.