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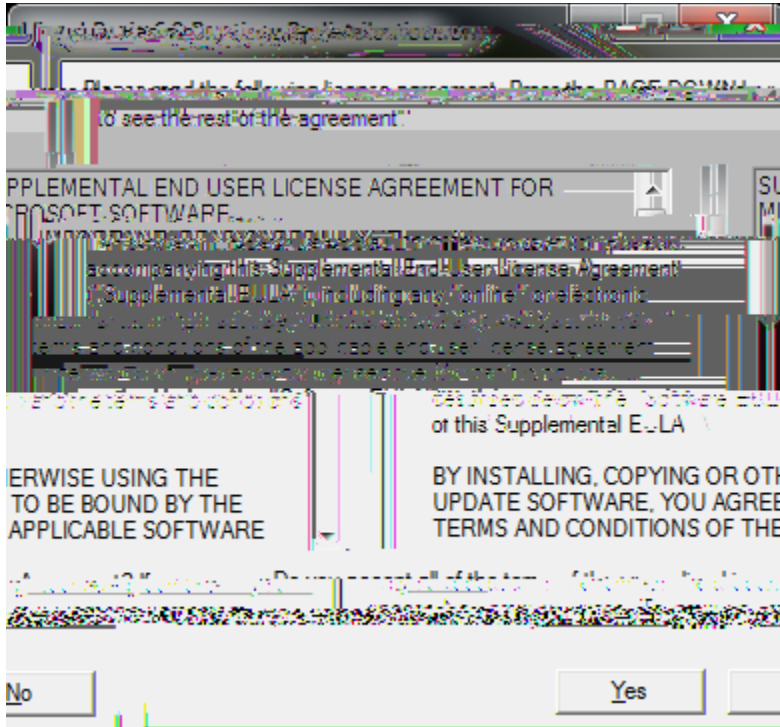


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## 1. What is a clickthrough agreement?

A clickthrough agreement End User License Agreement (EULA) is an electronic agreement that is frequently used by software providers and service providers that require the user to agree to certain terms and conditions before they are able to use the provider's product. (Usually in a pop up box such as this):



For an example of an EULA click:

[http://java.sun.com/j2se/1.4.2/j2re4\\_2\\_02-license.html](http://java.sun.com/j2se/1.4.2/j2re4_2_02-license.html)

## 2. What if I am using the product solely for my personal use?

If you are using the product solely for your personal use and you are using a university or System device then you must follow your institution's acceptable use of technology policy. The acceptable use policy for your institution can be found on the institution web site or at the information technology organization. An example of an acceptable policy can be found at:

[Acceptable Use Policy - Indiana University of Pennsylvania](http://www.iup.edu/WorkArea/DownloadAsset.aspx?id=83045)  
[www.iup.edu/WorkArea/DownloadAsset.aspx?id=83045](http://www.iup.edu/WorkArea/DownloadAsset.aspx?id=83045)

3.

As a Commonwealth entity, the University is precluded from agreeing to certain terms and conditions. Principally, most agreements indicate that in the case of a dispute, some other state's law will apply and the licensee (person who clicked through the agreement) agrees to litigate the dispute in another state. Other terms that are prohibited are agreements to indemnify and hold the provider harmless in the case of a legal dispute.

It's common that standard click through agreements contain language and terms that are not allowed by state law.

#### **8. What it means for the employee who clicks through and agrees to these terms?**

**If you click through an agreement without a University contract in place, you are responsible for any and all implications that result.** If you want to utilize an application that is not offered by the University, speak to your supervisor and make arrangements to acquire the software through the established procurement process.

If you agree to a click through for which you're not authorized, you assume any legal and financial responsibility in a dispute. You will not be represented by university/System attorneys if a dispute arises. Your students could also be affected by your actions. If you use a service such as Google Apps for your class, you are inherently requiring all of your students to agree to Google's contract just as you did. aa O(u)2(r a)-1(c)-1(a)1 SCN 0.34/ucp(d)- 1( s