

Microsoft Worldwide Eligibility Guidelines for Charity Organizations in Canada

Microsoft makes discounted product licenses available to its authorized charity resellers for resale to customers who are eligible Charity Organizations. Such customers are also eligible for Microsoft Software Assurance. Microsoft makes charity customer eligibility determinations at its sole discretion and uses the categories and definitions below as guidelines in making them. These guidelines may change at times and without notice.

You can see the latest version of these eligibility guidelines at <http://www.microsoftvolumelicensing.com/>.

Organizations are classified into four significant categories as per Microsoft's definition of a Charity Organization.

Eligible Charity Organizations

Organizations that are eligible to acquire licenses as a qualified Charity Organization are defined in one of the two following sections:

- [1] Qualifying Public Charity Organizations
- [2] Qualifying *Per Se* Organizations

Ineligible Organizations

Organizations that are **not** eligible to acquire licenses as a qualified Charity Organization are defined in one of the two following sections:

- [3] Non-Public Charity Organizations
- [4] Non-Qualifying Public Charities

Eligible Charitable Organizations

[1] Qualifying Public Charity Organizations

To qualify under category [1], an organization (including all subsidiaries, branches, or divisions) must meet **all** of the following criteria:

- a. The customer must hold **Charity Status**¹ designation. This designation is defined and conferred by a **Recognizing Authority**². **Charity Status**¹ must be held at the highest level of the organization requesting licenses as a Charity Organization. Customer must submit a **Verification**³ from the **Recognizing Authority**² on request;
 - ¹ **Charity Status** is the recognition that an organization is wholly devoted to charitable activities and is indicated by any one of the following:
 - Registration as Charitable Organization with Canada Revenue Agency
 - ² An appropriate **Recognizing Authority** may be one of the following:
 - Canada Revenue Agency
 - ³ **Verification** of Charity Status may be provided by the following documentation/sources:
 - Written proof of registration from Canada Revenue Agency
- b. Not be listed as a Non-Qualifying Public Charity Organization in section [4].

[2] Qualifying *Per Se* Organizations

Microsoft may, in its discretion, make the eligibility determination for some organizations on a case by case basis based on their primary mission area and financial need. To qualify under category [2], organizations must at least meet all the following criteria:

1. Hold **Charity Status**¹ and provide **Verification**³ upon request. If the organization does not have **Charity Status**¹ they must provide satisfactory explanation as to why they did not qualify for such status; and
2. Prove their inability to pay for the commercial licenses by providing a financial statement; and
3. Be a charitable organization apart from being a non-profit organization. Such organizations must not solely depend on fees from patients and insurance providers for revenues, but must obtain a significant proportion of funding from donations.

In addition to meeting the above criteria the *per se* organizations must be *organized and operated exclusively* as one of the following:

- a. **Disaster Relief AND Humanitarian assistance** organizations
- b. **Hospices** that provide time-limited, end-of-life care intended to provide relief from suffering, treatment of pain and other distressing symptoms, psychological and spiritual care, a support system to sustain the individual's family, and care and support for loved ones following a death; services may include pharmaceuticals, medical equipment, and 24 hours a day, seven days a week access to assistance and may be provided in the home, residential-care facility, or in a free-standing hospice residential facility
- c. **Hospital Foundations** that are affiliated with hospitals and as such may not qualify as a charity at the 'highest level of the organization and for any subsidiary, branch, or division'

All organizations under categories [1] and [2] above must devote all of their resources for charitable purposes to qualify as a Charity Organization. Holding **Charity Status**¹ status from **Recognizing Authority**² as a result of non-charitable activities does not suffice and does not make an organization eligible.

Ineligible Organizations

[3] Non-Public Charity Organizations

Any organization that does not meet the criteria outlined in Category [1] **at the highest level of the organization and for any subsidiary, branch, or division** and does not otherwise qualify under category [2] is **ineligible**.

[4] Non-Qualifying Public Charities

Even if an organization otherwise qualifies according to the criteria set forth in Category [1], it will be deemed ineligible if the organization (or any subsidiary, branch, part or division requesting licenses as a Charity Organization) falls into one of the following categories:

- a. It pays (or otherwise makes available) any portion of the funds or properties it holds or receives for the benefit of any proprietor, member, shareholder, or trustee.
- b. Has, as part of its organization/parent company/parent entity, an organization that on its own will not qualify for **Charity Status**.
- c. **Government Organization/Agency**: The organization, even if it has a charity registration or **Charity Status**, will not be eligible for an Open License Charity if it is a federal, provincial or municipal government organization.

- d. **Academic institutions** eligible to participate in the [Microsoft Academic Open License](#) program as a Qualified Educational User, as that term is defined in the Microsoft Academic Open License agreement.
- e. **Healthcare Authority or Hospital** that is eligible to participate in the Microsoft Healthcare volume license program as a qualified “Healthcare Authority” or “Hospital” as such terms are defined in the Microsoft Healthcare volume license agreements.
- f. Political, labor, and fraternal organizations
- g. Private foundations
- h. Refurbishers
- i. Individuals
- j. Commerce and trade associations that do not operate solely for charitable purposes

Note Regarding Your Status as an Eligible Charity Organization

- If you lose your status as an eligible Charity Organization subsequent to licensing products under this agreement, you may continue to use copies for which you are licensed, but you may not submit a new order for licenses or software assurance licenses as a Charity Organization. You may renew expiring Software Assurance for licenses and Software Assurance purchased as a Charity Organization by submitting orders for Software Assurance under any other Microsoft Volume Licensing programs for which you qualify.

