

# Frequently Asked Questions: Transfer of Cloud Game Streaming Rights to Ubisoft as Part of Activision Blizzard Acquisition

## Overview of the agreement

### **Q: What streaming rights is Ubisoft acquiring from Microsoft/Activision Blizzard?**

**A:** At the close of the merger, Ubisoft will acquire the exclusive rights to stream current Activision Blizzard PC and console games, as well as future games released over a 15-year period, except in the European Economic Area (EEA) where the rights are non-exclusive. These rights will exist in perpetuity, meaning that Ubisoft will continue to own the cloud streaming rights to Activision PC and console games released during the 15-year period once it expires.

### **Q: Do these streaming rights include Xbox games?**

**A:** No, the agreement relates only to streaming rights for Activision Blizzard titles.

### **Q: Does the agreement with Ubisoft apply to mobile games?**

**A:** No, the agreement applies to streaming rights for Activision Blizzard PC and console titles.

## What the agreement means for Microsoft partners

### **Q: How does this agreement affect Microsoft's legal obligations to the European Commission and its commitments to other cloud streaming providers?**

**A:** Microsoft is acquiring the rights necessary to fully comply with its commitments to the European Commission. The agreement with Ubisoft has been structured so that Microsoft will still acquire the rights to stream Activision Blizzard PC and console games in the EEA. These are the rights needed to honor fully Microsoft's legal obligations under its commitments to the European Commission. Ubisoft will get a non-exclusive right to stream these games in the EEA, which will not affect Microsoft's ability to comply with its European Commission commitments. To ensure compliance with its contractual obligations to other cloud game streaming providers, Microsoft will have a guaranteed license back for cloud streaming rights globally that is limited only to the rights needed to honor its existing streaming agreements with third party cloud gaming services.

### **Q: What are Microsoft's legal obligations in Europe?**

**A:** Microsoft committed to providing: (1) a free license to players in the EEA that allows them to stream all current and future Activision Blizzard PC and console games that they own via any cloud game streaming service of their choice, and (2) a free license to cloud game streaming providers to allow EEA-based players to stream any Activision Blizzard PC and console games that they own.

### **Q: If Microsoft keeps the EEA cloud streaming rights, does that create a loophole where Microsoft can sell the rights in the EU and allow people to use them worldwide?**

**A:** No. Ubisoft has exclusive ownership of the streaming rights outside the EEA and can enforce them legally.

**Q: I already have a cloud game streaming licensing agreement for Activision Blizzard games with Microsoft. Will I also need to obtain a license from Ubisoft to stream these games outside of the EEA?**

**A:** There is no change to Microsoft's existing licensing commitments in place with other cloud streaming providers. Any partner with an existing agreement does not need to obtain another license from Ubisoft unless they want to negotiate additional streaming rights than those included in the existing agreement with Microsoft.

**Q: Will Microsoft get preferential or special treatment from Ubisoft?**

**A:** No. There are provisions in the agreement that prevent Microsoft from getting preferential pricing terms or securing exclusive streaming rights not offered to third parties.

**Q: How does this agreement affect the competitive landscape in cloud gaming?**

**A:** It empowers Ubisoft to commercialize cloud game streaming in new and innovative ways, using the business model of its choice, across various platforms and services, increasing choice for players.

## **What the agreement means for players**

**Q: Does this agreement allow Microsoft to put Activision Blizzard titles on Game Pass?**

**A:** Yes, Microsoft can include Activision Blizzard titles on Game Pass in the future. The agreement applies to cloud game streaming of Activision Blizzard games via Xbox Cloud Gaming.

**Q: Will I be able to stream Activision Blizzard games with an Xbox Game Pass Ultimate or other subscription, or will I also need to pay for an Ubisoft+ account?**

**A:** Like other cloud streaming providers, Microsoft will have the ability to license rights from Ubisoft to stream Activision Blizzard games on Xbox Cloud Gaming as part of the Xbox Game Pass Ultimate subscription. Ubisoft has already stated that the agreement will enable players to stream Activision Blizzard games via a wide range of subscriptions and services, including Ubisoft+. Players would only need to pay for Ubisoft+ if they want to subscribe to Ubisoft+.

**Q: Could Microsoft license back the rights from Ubisoft to make Activision Blizzard games exclusive to its cloud gaming service?**

**A:** No. Microsoft is unable to obtain an exclusive license and there are provisions in the agreement that prevent Microsoft from getting preferential pricing terms or securing exclusive streaming rights not offered to third parties.

**Q: Can another third party enter into an exclusivity agreement with Ubisoft and prevent Xbox Game Pass Ultimate members from streaming Activision Blizzard games?**

**A:** Ubisoft will have flexibility to enter into agreements, including exclusive agreements with third parties. However, Ubisoft has a track record of making games available across a range of platforms. Game Pass Ultimate customers will have the ability to download and play Activision Blizzard games.