

# EliquidMEDIA Privacy Policy

**Effective Date: November 10<sup>th</sup>, 2008**

This Privacy Policy was created by eliquidMEDIA to record and explain our commitment to privacy and to describe the agreement with our customers and with other third parties about our data-handling policies. This policy lists the types of potentially private data EliquidMEDIA collects, explains how we use and protect that data, and discloses our key procedures surrounding privacy.

This Privacy Policy includes, but is not limited to:

- Internet hosting, collocation, windows media streaming, and on-demand infrastructure hosting services.
- Digital media transactions performed by firmCHANNEL software resident on a local server player.
- Web-hosted services for creating, managing, and distributing digital media files via a firmCHANNEL Enterprise account.

All of the services listed above are provided through our EliquidMEDIA, firmCHANNEL, and firmWEB business units (collectively, the “**Service**”). Therefore, references to “EliquidMEDIA” in this policy should be considered references to those business units. This Privacy Policy also applies to our websites: [www.eliquid.com](http://www.eliquid.com), [www.firmCHANNEL.com](http://www.firmCHANNEL.com), and [www.firmWEB.com](http://www.firmWEB.com).

THIS PRIVACY POLICY IS A BINDING AGREEMENT BETWEEN YOU AND ELIQUIDMEDIA. It forms part of a larger agreement between EliquidMEDIA and its customers, website and Enterprise visitors, and other users, consisting of the Terms of Service provided at the three websites listed above, as well as the other documents referenced in the Terms of Service. Your use of the Service and of EliquidMEDIA’s websites is voluntary; if you do not agree with the terms of this Privacy Policy, you should not provide us with any personal information, and you should leave our websites. By using our websites or the Service, you signify that you agree with the terms of this Privacy Policy. We may change this Privacy Policy from time to time by posting a new version here (with a new Effective Date at the top), and the new version will become effective immediately.

The privacy of EliquidMEDIA's customers and affiliates is important to us. Therefore:

- ***EliquidMEDIA does not sell or rent personally identifiable information.***
- ***EliquidMEDIA does not spam, and its policies forbid use of the Service for spam.***
- ***EliquidMEDIA policy requires that all company employees sign a confidentiality agreement.***

The confidentiality agreement includes the following affirmation:

*I agree to retain all Confidential Information in the strictest confidence. I will not disclose any Confidential Information to any person other than for purposes of EliquidMEDIA and I will not use for my own purposes or for purposes other than those of EliquidMEDIA, any Confidential Information which I have acquired in relation to the business of EliquidMEDIA, its affiliates or the clients or either. I acknowledge that the obligation to disclose to others or use the Confidential Information continues in effect following the termination of my employment with EliquidMEDIA, for whatever reason, unless I obtain the prior written consent of the Chief Executive Officer or Board of Directors.*

## Data EliquidMEDIA Collects

- A. EliquidMEDIA collects and uses data from our customers and from visitors to our websites (including blogs) and Enterprise, as follows:
- *Visitor Number Tracking:* EliquidMEDIA tracks the number of visitors to EliquidMEDIA's websites, as well as the pages they visit within the sites and the hyper-links they use (if any) to leave. This doesn't involve collection of any personally identifiable information. We use this information to analyze interest in and usage of the websites and the Service.
  - *Data Provided Through Inquiry Forms:* Website visitors interested in the Service can fill out a sales inquiry form at the sites. Those forms request company name, individual name, title, address, telephone number(s), and email address(es), as well as technical and business information related to the Service. EliquidMEDIA uses this information to contact the potential customer and to discuss Service parameters. We also use the information to generate statistics regarding interest in the Service.
  - *Shopping Cart and Portal Cookies:* EliquidMEDIA's computer network uses cookies to recognize visitors who use a shopping cart at EliquidMEDIA's websites. Our network also uses cookies to recognize customers who use the customer portal at EliquidMEDIA's websites. The cookies facilitate easy use of the shopping carts and the portal, as well as visitor number tracking, as explained in the first bullet above. Finally, we may in some cases use information generated through cookies to facilitate communications with visitors and customers (including sales calls). Our cookies have no other purpose.
  - *Customer Account Information:* When customers sign up for the Service, and during their Service-relationship, we collect some or all of the following: company name, individual name, title, address, telephone number(s), email address(es), credit card number, and choice of service package. We also record and retain most written communications with customers, including trouble tickets, support requests, and payment history. EliquidMEDIA uses this information for customer support. We also use contact information to send customers Service-related announcements, including newsletters and notices of new Service features and related products and services provided by EliquidMEDIA partners. Customers can opt out of new product/service notices by sending an email to Support@eliquid.com, or by following the unsubscribe instructions at the bottom of any one of the email notices. (However, current customers may not opt out of necessary Service or account maintenance notices.) Finally, we generate statistical information regarding our customer-base and use it to analyze our business. We might share this statistical information with third parties, but it doesn't include any personally identifiable information.
  - *Blog Replies:* A customer, user, or visitor may respond to the various blogs provided through our websites. If the author so chooses, the response may include personally identifiable information, and that information will be posted online along with the rest of the blog reply. In general, however, we do not recommend that blog replies include personally identifiable information.

## Hosted Data

- A. Through the Service, EliquidMEDIA provides computing and network infrastructure that hosts customer Websites, Internet communications, applications, and the digital media transmissions via Enterprise. As a result, our infrastructure stores and transmits information about customers' businesses, as well as information collected by those businesses. We refer to all such information

that we do not actively collect as “**Hosted Data.**” Hosted Data may include personally identifiable information and other information that belongs to our customers’ *own* customers, Website visitors, or other users.

- B. EliquidMEDIA is a passive recipient of Hosted Data: *we take no active part in collecting it, and generally we do not access its content.* However, EliquidMEDIA staff may occasionally access Hosted Data through delivery of services and support to customers. For instance, staff may come into contact with Hosted Data by verifying back-up and restore processes, by verifying that applications are running properly, or through debugging efforts.
- C. eliquidMEDIA reserves the right to monitor and access Enterprise accounts hosted on eliquidMEDIA maintained servers to preserve software integrity, initiate updates, and to perform general maintenance.

### **Use of Personally Identifiable Information and Hosted Data**

A. EliquidMEDIA does not share personally identifiable information or Hosted Data under any circumstances, except as provided in paragraph B below and except: (1) to the extent that blog replies or contest sign-ups include personally identifiable information (per the contest’s rules, in the latter case); (2) as requested by law enforcement agencies or required by law; (3) to maintain the security of the Service and of EliquidMEDIA’s own network and data, including by assisting third party claimants in investigating security breaches; (4) to collect money owed to EliquidMEDIA, including through legal proceedings; and (5) to identify, contact, or take legal action against customers or third parties violating EliquidMEDIA’s Acceptable Use Policy, interfering with property rights or with the Service, or breaking the law. EliquidMEDIA doesn’t access or use Hosted Data except through provision of debugging and related services, as described under “Hosted Data” above, and for the reasons listed in the preceding sentence.

### **Data Protection**

A. EliquidMEDIA takes precautions to ensure that access to databases containing customer information is available only from within EliquidMEDIA’s internal network. Further, we typically encrypt financial information during transmission, or use secure protocols. No protocol, encryption, or other precaution can provide complete security for electronic data, so we don’t provide a guarantee of security.

B. EliquidMEDIA policy requires that all its employees execute a confidentiality agreement which includes the affirmation quoted above.

C. We explicitly reserve the right to disclose any such personal information if required to do so by law, or in the good faith belief that such action is reasonably necessary to comply with legal process, respond to claims, or protect the rights, property or safety of our company, employees, customers, or the public.

### **Reporting Misuse of Data**

Customers and other third parties should contact EliquidMEDIA about any suspected misuse of their personally identifiable information or other data. All such inquiries or complaints should be directed to us via email to [Support@eliquid.com](mailto:Support@eliquid.com).

### **Not Applicable to Third Party Data Handlers**

This Privacy Policy doesn’t address use of data by our customers or by other third parties, even if the data is stored on one of EliquidMEDIA’s computers or collected through a website we host (Hosted Data), or collected through a website linked to our websites. EliquidMEDIA is not responsible for use or misuse of

data by any third party, including any EliquidMEDIA customer or the operator of a website or Enterprise account linked to one of our websites.

**We do not Guarantee Error-Free Performance under this Privacy Statement.**

We may not always catch an unintended privacy issue, despite our efforts to do so. Accordingly, we welcome your feedback regarding any privacy concerns that you may have. We will use reasonable efforts to comply with this Privacy Statement and will take prompt corrective action when we learn of any failure to comply with it. We will not be liable for any damages, including incidental, consequential, or punitive damages, relating to the practices described in this Privacy Statement.

If you believe that eliquidMEDIA has not adhered to this Privacy Statement, please contact us by email at [Support@eliquid.com](mailto:Support@eliquid.com).

**Intellectual Property**

EliquidMEDIA International Inc. respects the intellectual property rights of others, and we expect our customers to do the same. We are not an expert in the intellectual property rights, and we cannot verify your copyright, trademark, patent or other intellectual property rights and the information posted on the eliquidMEDIA websites and servers each day. EliquidMEDIA is not an arbiter or judge of disputes about intellectual property rights, business transactions and trade. We also do not endorse an infringement of intellectual property rights and a claim of business trade.

To protect the intellectual property rights of others, we have instituted a procedure to promptly remove such listings when an appropriate intellectual property infringement claim is filed by intellectual property rights owners against the user of eliquidMEDIA service who submitted such listings.

If you believe that your copyright or other intellectual property rights have been violated, you may contact us via [Support@eliquid.com](mailto:Support@eliquid.com). We will appreciate your assistance.