

## **DiiVA PRIVACY POLICY**

**Effective: April 22, 2009**

This is DiiVA Licensing LLC's ("DiiVA") online privacy policy for the diva.org or diva.cn websites (collectively the "DiiVA Website"). This policy applies only to transactions entered into, and information gathered through the DiiVA Website and related services, and does not apply to (a) activities unrelated to the DiiVA Website or (b) activities that may take place through the DiiVA Website, but which are governed by a separate agreement between you and DiiVA. By using the DiiVA Website, you agree to accept the practices and terms set forth in this privacy policy.

**DiiVA Promoters, Contributors and Adopters.** If your employer is a DiiVA Promoter, DiiVA Contributor or DiiVA Adopter, then while you are employed by and acting on behalf of your employer, certain elements of the treatment of your information may be governed by a separate written agreement beyond this privacy policy. To the extent there is any explicit conflict between the separate written agreement between your employer and DiiVA on the one hand and this privacy policy on the other, the terms of the separate written agreement shall prevail.

### **Non-Personally Identifiable and Aggregate Information**

We may use your IP address and other non-personally-identifiable information to help diagnose problems with, and administer, the DiiVA Website. The non-personally identifiable information we may gather includes the type of browser that you use, your IP address, the content that you access and the length of your visit to the DiiVA Website, and other aspects of your use of the DiiVA Website. This may be accomplished by a variety of means, including the use of cookies or clear gifs. DiiVA uses this information, typically in aggregate form, to enhance the operation of the DiiVA Website, analyze interest in the areas of the DiiVA Website and to tailor content displayed to users. We may also release aggregate information about user trends to partners and other third parties. An example of this type of information would be patterns of use of the DiiVA Website based on geography or industry. We also retain aggregated log files of requested content in order to report overall usage and to evaluate user trends.

### **Personally Identifiable Information**

Web-based forms on our site may require users to give us contact information (like their name and email address). We use contact information from these forms, and contact information otherwise provided by DiiVA Adopters, to send the user information about DiiVA and occasionally to follow up with further mailings. DiiVA does not sell to any advertiser any personally identifying information that you submit. You always have the choice to opt-out of any future mailing. By using this website, you consent to the collection and use of this information as described herein. You may also be asked to provide personally identifiable information in order to use certain portions of the DiiVA Website and to obtain maintenance and support from DiiVA, if DiiVA elects to provide any. This information may include your name, address, telephone number, company and e-mail address. If you do not want to provide DiiVA with any personally identifiable information, you should cease using that portion of the DiiVA Website.

## **Use and Disclosure of Information**

*DiiVA may use personally identifying information:*

- To send you notices related to your account and DiiVA;
- To contact you in order to respond to your questions and comments when you request us to do so;
- To send you news, updates and special offers from DiiVA. You may remove yourself from this list at any time by e-mailing us as provided below;
- To manage your account and account access, provide you with support, at our discretion, and to keep track of support requests; and
- To enforce intellectual property rights related to the DiiVA Specification and Marks
- To confirm that your relationship with your employer

DiiVA may disclose personally identifiable information to third parties to: (i) provide technical support, respond to questions, resolve problems and correct errors with regard to the DiiVA Website and DiiVA's business; (ii) enhance your experience in connection with the DiiVA Website, (iii) to enforce the rights of DiiVA, the DiiVA Affiliates and third party rights and (iv) identify interest in DiiVA. DiiVA may also share personally identifiable information with the DiiVA Affiliates, and those that provide us with support and services, and our employees, advisors, agents, representatives, contractors, and service providers in order to provide the DiiVA Website and related services. DiiVA Affiliates means DiiVA, the DiiVA Promoters and any entity that is directly or indirectly controlled by, under common control with, or that controls the subject party and for purposes of this definition, control means direct or indirect ownership of or the right to exercise (a) greater than fifty percent (50%) of the outstanding shares or securities entitled to vote for the election of directors or similar managing authority of the subject entity; or (b) greater than fifty percent (50%) of the ownership interest representing the right to make the decisions for the subject entity; provided, however, that in each case such entity shall be deemed to be an Affiliate only so long as such ownership or control exists and is greater than fifty percent (50%). By using the DiiVA Website you consent to our sharing your personally identifiable information with third parties in connection with delivering the DiiVA Website. Due to our contractual obligations with these third parties and the need to share personally identifiable information to deliver and support the DiiVA Website, we may not provide you with the opportunity to opt-out of sharing personally identifiable information with these third parties and still receive complete access to the DiiVA Website and related services. Your personally identifiable information may be provided to a third party if DiiVA, including its parent corporation, files for bankruptcy, or there is a transfer of the assets or ownership of DiiVA, or if a successor agent is appointed for the DiiVA standard. DiiVA may also disclose personally identifiable information in order to respond to a subpoena, court order or other such request. DiiVA may also provide such personally identifiable information order to comply with law or in response to a law enforcement agency's request, to enforce our privacy policy and end user agreements or to protect the rights, property or safety of the DiiVA Website, users of the services and others.

## **Cookies**

"Cookies" are small bits of data that are deposited on a user's hard drive. The DiiVA Website utilizes cookies and IP addresses for certain functions. Cookies permit users to store their password and other user information without having to constantly re-enter this data. Cookies also permit DiiVA to tailor the DiiVA Website to your needs. Most browsers permit users to decline to accept cookies, although the default setting is typically to accept them. You may choose to decline the cookies, but certain functions of the DiiVA Website may not be accessible to you. In addition, we may also record the pages you visit on the DiiVA Website through the use of pixel tags (also called "clear gifs" or "beacons").

### **Other Websites and Services**

DiiVA is not responsible for the privacy policies of websites and services to which the DiiVA Website may link. If you provide any information to such third parties different rules regarding the collection and use of your personal information may apply. We strongly suggest you review such third party's privacy policies before providing any data to them.

### **Security**

DiiVA takes appropriate steps to ensure data privacy and security including through various hardware and software methodologies. However, due to the open communication nature of the Internet, we cannot guarantee that communications between you and the DiiVA Website, and the DiiVA Website and you, will be free from unauthorized access by third parties. **Users of the DiiVA Website do so at their own risk. DiiVA cannot guarantee the security of any information that is disclosed online.**

### **Reasonable Efforts**

We will use reasonable efforts to comply with this privacy policy and will take prompt corrective action when we learn of any failure to comply with our privacy policy. We sometimes release beta versions of our website and related services, which are further refined before the release of the final version. Because the website and services are still in a test phase, we may not always catch an unintended privacy issue, despite our efforts to do so. As such, we welcome user feedback on any privacy concerns you may have. In light of the above and because of the complex and constantly changing nature of the internet and related technology, DiiVA does not guarantee error-free performance under this privacy policy. **To the extent permissible under law, DiiVA, the DiiVA Affiliates, and third parties providing services to you in connection with the DiiVA Website, shall not be liable for any incidental, consequential or punitive damages relating to this privacy policy.**

### **Children**

DiiVA requests that children under the age of 18 not use the DiiVA Website nor submit any personal information to the DiiVA Website. DiiVA does not knowingly collect personal information from children under the age of 13. Since information regarding children under the age of 13 is not collected, DiiVA does not knowingly use or distribute personal information regarding children under the age of 13. If DiiVA obtains actual knowledge that it has collected

personal information about a child under the age of 13, that information will be immediately deleted from our database.

### **Opt-Out, Questions and Updates**

If you wish to: (i) remove your personally identifiable information from our database in order to stop receiving information from us, (ii) update your personal information, or (iii) have any questions about this privacy statement, the practices of this site, or your dealings with this website, you can contact:

#### **DiiVA Licensing LLC**

5F-2, No. 93 Shui Yuan Street  
Hsinchu City, 30069, Taiwan  
Attention: DiiVA website administrator

or by e-mail to [privacy@diiva.org](mailto:privacy@diiva.org)

### **Modifications of the Privacy Policy**

DiiVA reserves the rights to modify its privacy policy at any time and will notify you by posting an amendment to the privacy policy on the DiiVA Website. Such modifications will become effective on the day they are posted. DiiVA encourages you to frequently review the privacy policy for any modifications.