

## **VIDEO COPILOT PRIVACY NOTICE AND COOKIES POLICY**

REV. OCTOBER 18, 2018

FINAL IMAGE, INC. DBA VIDEO COPILOT (“VIDEO COPILOT”, “WE,” “OUR” AND “US”) IS A LEADING PROVIDER OF GRAPHICS SOFTWARE AND RELATED AUDIOVISUAL AND MUSIC CONTENT. THE SOFTWARE AND CONTENT (COLLECTIVELY, “PRODUCTS”) WE OFFER ARE FOUND ON OUR WEBSITE, LOCATED AT [WWW.VIDEOCOPILOT.NET](http://WWW.VIDEOCOPILOT.NET) (THE “SITE”). THE VAST MAJORITY OF OUR SITE VISITORS COME FROM NORTH AMERICA. BY VISITING THIS SITE YOU ACCEPT AND CONSENT TO THE PRACTICES DESCRIBED IN THIS PRIVACY NOTICE (INCLUDING AS UPDATED OR AMENDED FROM TIME TO TIME). IF, FOR ANY REASON, YOU DO NOT AGREE TO THE TERMS OF THIS NOTICE, PLEASE STOP USING THE SITE IMMEDIATELY.

HOWEVER, IF YOU ARE A RESIDENT OF THE EUROPEAN ECONOMIC AREA (“EEA”) USING OUR SITE OR OTHERWISE SUBMITTING PERSONAL DATA TO US, WE WANT TO ASSURE YOU THAT WE HAVE ADOPTED PRACTICES AND POLICIES TO ENSURE COMPLIANCE WITH THE EUROPEAN UNION’S GENERAL DATA PROTECTION REGULATION (“GDPR”). IF YOU ARE RESIDENT IN THE EUROPEAN ECONOMIC AREA (“EEA”) PLEASE REVIEW THIS ENTIRE NOTICE, WITH SPECIAL ATTENTION TO THE GDPR PORTION OF THIS PRIVACY NOTICE BELOW, SECTION 10, WHICH DIVERGES FROM AND/OR MODIFIES OTHER PROVISIONS OF THIS NOTICE.

- 1. The Information We Collect and Why; Basis for Collection.** When using the Site or when you contact Video Copilot by telephone or e-mail, you may be asked to provide certain personal data about yourself (collectively and as defined in GDPR, “personal data” and sometimes called “personally identifiable information” or “PII” under other privacy laws):
  - a. **Software and Content Licenses and Data:** If you are a licensee or prospective licensee of our Products, we collect necessary personal data about you from you, and sometimes from a variety of other sources, including name, address, email, telephone. All such personal data is collected for necessary contractual reasons, so that Video Copilot can fulfill its pre-sales and other contractual obligations to you.
  - b. **Payment and Financial Information:** Video Copilot is an organization that collects revenues from contractual licensees of its Products, and also has employees and subcontractors whom it must pay. The personal data that must be collected to do business and collect and remit payment as appropriate includes name, address, email, phone, banking details. These payments all have HR/employment and contractual bases (we have no employees outside of the United States, but we do have a small number of overseas subcontractors). In regard to our employees and contractors, we collect and maintain human resources (HR) data like any other business.
  - c. **Sales and Account Development Information:** In order to promote sales of Video Copilot’s Products, our sales and development department collects certain personal data from various sources, including personal inquiries made by potential prospects, emails, etc., which may include name, address, email, phone, fax, job title, department, division, “reports to” name, assistant name,

birthday. Some of this information has a contractual basis, and some of this information (if collected from EEA residents subject to GDPR) would be based upon consent.

- d. **Site Information:** If you engage with us on the Site, for example, if you have an interest in licensing our Products you will be asked to register online, providing name, company name, title, email, phone and country. This collection of personal data has a pre-sales contractual basis, so that we can complete an online license agreement with you. Or you may wish to contact Video Copilot for some other reason, by filling out the “Contact Us” for on the Site, which asks for name and email address. The basis for any marketing or promotional use of your information, if you are resident in the EEA, would be your consent; see Section 10 below.
- e. The Site server automatically collects data about your home server’s domain and your device’s IP address when you visit the Site. Our server also may record the referring page that linked you to us, e.g., a search engine. We use this information only for internal review and analytics in aggregated and anonymized (not personally identifiable) form. Our server will not automatically record your name or e-mail address. Your e-mail address and other personal data will not be known to Video Copilot unless you voluntarily submit it to us.

**2. Cookies Notice.** The Site also uses “cookies,” or small text files sent from our server and saved by your browser to your computer’s hard drive. Our cookies are sent back only to our server and cannot be read by other website servers. We use cookies to help you navigate the Site and to record certain information such as how many times a user has visited the Site and what pages the user has accessed, in order to generate analytics used to optimize the Site and also to facilitate your ease of use. You do not have to accept cookies. In particular, you can set your browser to notify you when you receive a cookie, or to refuse to accept cookies. However, if you refuse to accept them, some features of the Site may not function properly. Your continued use of the Site constitutes your implied consent and “opt-in” to our use of cookies for the purposes set forth above, except if you are a resident of the EEA, in which case we will give you the opportunity to give us consent to use cookies; please see additional cookies language in Section 10 below.

**3. How We Use the Information We Collect.** We use your personal data for various purposes such as to carry out Video Copilot’s obligations arising from any contracts entered into between you and Video Copilot and to provide you with the information, products and services that you request from Video Copilot, to notify you about changes to the Site, to respond to requests for information, to manage your access to the Site and to provide customer assistance. In Section 1 above, we basically set forth how we use personal data on a category by category basis, such as entering into license agreements with you, ensuring that employees are provided with salary and benefits, ensuring that licenses with customers are fulfilled in all respects. As indicated, the Site does certain promotional outreach, generally confined to the United States and Canada. Occasionally we may use your contact information to send you special offers from Video Copilot. If you prefer, you can choose not to receive such information from Video Copilot by indicating your preference in an e-mail message to Video Copilot at [unsubscribe@videocopilot.net](mailto:unsubscribe@videocopilot.net): or at the time you provide requested information to us. In addition, Video Copilot reserves the right to disclose any records, or electronic communication of any kind (including personal data or private electronic communication transmitted on the Site): (i) to satisfy any law, regulation, or government request; (ii) if such

disclosure is necessary or appropriate to operate Video Copilot and/or the Site; or (iii) to protect the rights, safety or property of Video Copilot or its employees, users, sponsors, providers, licensors, or merchants. Video Copilot also reserves the right to reject any order or to request additional information from any customer as Video Copilot deems necessary.

**4. Access, Corrections.** If you would like to make sure that the information and PII we have about you is accurate or if you wish to change your information in our database, or have it deleted, just send an e-mail message explaining the, correction or change to: [team@videocopilot.net](mailto:team@videocopilot.net).

**5. Links.** The Site contains links to other websites. If you follow a link to any of these websites, please note that these websites have their own privacy policies which will govern your navigation on such websites. Please check such third-party site privacy policies before you submit any personal data to them. We are not responsible for the personal data/information collection and use practices of those other sites, and hereby expressly disclaim all responsibility and liability which may arise from your use of third-party sites.

**6. Security.** We use current industry standard technology and security procedures to maintain the confidentiality and accuracy of the personal data you provide to us and to prevent against its loss or misuse. Moreover, this Site is hosted by one of the largest secure third-party data centers, which maintains state-of-the-art security throughout its global data centers, with restricted access. Although no data transmission over the Internet can be guaranteed to be 100% secure, and despite the care we exercise to provide a secure transmission, we cannot guarantee that the personal data you submit to us will be free from unauthorized third-party intrusion. You therefore understand and agree that all information you submit to Video Copilot or post on the Site is done at your own risk. In the event that we believe that there has been a security breach involving your personal data, we would endeavor to notify you promptly in accordance with applicable law. In the event such notification is appropriate under the circumstances, we would first try to notify you at the latest email address we have for you on record, subject to legal requirements.

**7. Consent to Processing.** By providing any personal data/PII to the Site, you fully understand and expressly and unambiguously opt-in and consent to the collection, processing and storage of such information in the United States, and to disclosure for the limited purposes set forth above, in the manner indicated in this Notice, provided that EEA residents will be subject to Section 10 below instead regarding consent.

**8. Your Acceptance of this Notice.** By using the Site, you signify your agreement to our Privacy Notice. If you do not agree to this Notice, please do not use the Site. We reserve the right, at our discretion, to change, modify, add, or remove portions of this Notice at any time. Please check back periodically to see any updates or changes to our Privacy Notice. Your continued use of the Site following the posting of changes to these terms means you accept these changes.

**9. Children's Privacy.** The Site is a general audience website not intended for any person under 18 years old. We do not knowingly collect personal data from any person under the age of 13. If you are under 13 and desire to purchase Products on the Site or to provide us with personal data/PII for any reason, please have your parent or guardian do this for you, or have them send a parental consent to us at [team@videocopilot.net](mailto:team@videocopilot.net).

**10. For Residents of the EEA (GDPR Compliance).** You are entitled to certain additional rights and protections when we process your personal data. Please see the paragraphs below

for more details. Video Copilot may function as a data controller and data processor with respect to your personal data.

**Cookies.** With respect to web cookies and similar technologies that are not strictly necessary for our collection of personal data, Video Copilot seeks consent from users of the Site who are located in the EEA based on our Cookies Policy at the end of this Statement.

**Legal Basis of Processing.** The legal basis for most of Video Copilot's processing of your personal data is Article 6(1)(b) of the GDPR, which allows processing of personal data as necessary for the performance of a **contract**. When you access, use or register with the Site, whether seeking to license Products from Video Copilot for personal or business use, or sharing personal data with Video Copilot as a contracted developer or composer so that Video Copilot is able to meet its payment obligations to you, you do so under a contract with Video Copilot, such as a software or content license, or a services contract, or you form a contract with Video Copilot based on the applicable Terms and Conditions, and we need to process your personal data to respond to your requests and satisfy our contractual obligations to you with respect to the other purposes listed in the Privacy Notice above.

Video Copilot also has **legitimate interests** under Article 6(1)(f) of the GDPR with respect to certain situations where Video Copilot needs to process your personal data to comply with applicable laws (as a U.S.-based company, Video Copilot is subject to U.S. laws and must comply with them), provide adequate customer service, or improve our products and services. In these cases, we will ensure that your privacy and other fundamental interests do not override our legitimate interests.

Finally, Video Copilot relies on your **consent** with respect to cookies that are not strictly necessary and in the event that we collect any personal data from you for marketing purposes on the Site.

**Personal Data Transfers outside the EEA.** It is probable that some of your personal data will be transferred to our secure servers at a large third-party data center in the United States, a jurisdiction which may not provide adequate protection to personal data according to the European Commission. Video Copilot intends to provide an adequate degree of protection as required by GDPR, including where appropriate: entering into appropriate data transfer agreements based on language approved by the European Commission pursuant to GDPR Art. 46(5), such as the Standard Contractual Clauses, implementing appropriate physical, technical and organizational security measures to protect personal data against accidental or unlawful destruction, alteration, loss, unauthorized disclosure or access, and other unauthorized or unlawful processing; and taking other measures to provide an adequate level of protection for onward transfers from the EEA in accordance with applicable law.

**Data Retention.** Video Copilot keeps personal data for as long as required to meet our obligations to you, often contractual requirements, and to comply with applicable law. For example, if you register with Video Copilot on the Site, we retain your personal data for as long as you have an account with us and thereafter for as long as required for us to comply with applicable law, fulfill our contractual obligations to you or defend our legal interests in connection with any claim or action we might face before a dispute resolution body. We take commercially reasonable measures to ensure that personal data is deleted, erased or anonymized as soon as possible once the purposes for which such data was collected have been fulfilled.

**Data Subject Rights.** You have a right to request from Video Copilot access to and rectification, updating or erasure of your personal data. You also have the right to request the

restriction of processing concerning you, in which case such personal data would be marked and processed by us only for certain purposes. We will not charge a fee for this, provided the request is not excessive or unreasonable. In addition, you have the right to data portability, which allows you to receive from us personal data about you which you have provided to us in a structured, commonly used and machine-readable format, such as a CSV file. We will do this free of charge. If it is technically feasible, you can request that we transmit the personal data directly to another organization, rather than to you. We will respond to the request within 30 days, unless the request is complex or you send us multiple requests, in which case we can extend our response by another 2 months upon notice to you.

You also have the right to object to various data processing activities, including processing activities that are based exclusively on your consent or processing for the purposes of direct marketing. You can exercise such rights by accessing the information in your account and/or by emailing [team@videocopilot.net](mailto:team@videocopilot.net). Please note that these rights may be subject to limitations and conditions under the EU GDPR or applicable national data protection laws.

If our collection of personal data from you has been based on obtaining your consent, you have the right to withdraw your consent at any time, without affecting the lawfulness of processing based on consent before its withdrawal. You have the right to lodge a complaint with a supervisory authority in the EEA.

We may choose not to fulfill any request that we determine is illegal or incorrect, where we need to maintain the personal data because of our contractual or legal obligations, where the burden or expense of providing access would be disproportionate to the risks to the individual's privacy, or where the rights of persons other than the individual would be violated, but our intention is to comply with opt-out requests, and other requests that seek to correct, update or delete your personal data, as fully as possible in accordance with applicable law. You will also be given notice should we use your personal data for a purpose other than that for which it was originally collected or processed. We do not ask for, collect or knowingly receive sensitive personal data, i.e., personal data specifying medical or health conditions, racial or ethnic origin, political opinions, religious beliefs, or information relating to sex life

**Profiling.** Video Copilot does not use in connection with the Site or the services we offer automated decision-making in a way that produces legal effects concerning you or which significantly affects you.

Any inquiries concerning these Terms and Conditions or Privacy Notice should be directed to [team@videocopilot.net](mailto:team@videocopilot.net).

## ***Cookies Policy***

A cookie is a small text file that is stored on your device when you visit a website or other online service. Cookies allow a web page to store and retrieve information about the browsing habits of a user and may also be used to recognize the user. Most browsers accept cookies as a standard practice and offer controls to allow or block cookies in security settings. We use cookies to personalize content, to provide social media features, and to analyze the traffic this website at [www.videocopilot.net](http://www.videocopilot.net) (the "Site"). You consent to our Cookies Policy if you continue to use the Site. If you are a resident of a country in the European Union, we ask for your consent to store any cookies on your device.

## ***Cookies Declaration***

The General Data Protection Regulation (GDPR) does not require your consent to place certain cookies on your device if they are necessary for the operation of this Site, or where the cookie is strictly necessary to perform the Site's service as requested by the user. Other types of cookies are there to improve your experience and to collect analytics data about how the Site is used. Some cookies are placed by third-party services that appear on our webpages. You can, at any time, change or withdraw your consent from these by discontinuing use of the Site, manually removing, or blocking them.

### ***What types of cookies does this Site use?***

#### ***Functional:***

Functional cookies are those that allow the user to navigate the Site and the different options or services it offers. For example, they may control traffic and data communication, identify the session, allow access to restricted areas of the Site, remember items and quantities in an order, perform the purchase processing of an order, use security elements during navigation, store contents for dissemination of videos or sound or share content through social networks. Functional cookies used by Video Copilot cannot be opted out of.

#### ***Analysis:***

Analysis cookies are those that allow Video Copilot to quantify the behavior of users and thus perform statistical analysis of how the Site is used. To do this, we analyze browsing patterns on our Site in order to improve the experience of the products and services we offer.

#### ***Marketing:***

Marketing cookies are those that allow Video Copilot to work with third-party services for the purpose of advertising on other sites. These third-party services may be placed by other websites that run content on the page you are visiting ("third party cookies") and we have no access to or control over these cookies. This Cookies Policy and the Video Copilot Privacy Policy cover the use of cookies by Video Copilot only ("first-party cookies") and do not cover the use of cookies by third parties.