

Complaint

IN THE MATTER OF

COLLECTIFY LLCCONSENT ORDER, ETC. IN REGARD TO ALLEGED VIOLATIONS OF
SEC. 5 OF THE FEDERAL TRADE COMMISSION ACT*Docket No. C-4272; File No. 092 3142**Complaint, November 9, 2009 - Decision, November 9, 2009*

This consent order addresses respondent Collectify, LLC, providers of software and consulting services to businesses with employees residing outside of origin. Respondent manages tax and payroll issues for employees that work outside their country of residence. The complaint alleges the respondent violated Section 5 of the FTC Act by making false and misleading representations concerning Collectify, LLC's participation in the Safe Harbor privacy framework. Safe Harbor is an international program for international data transfer between the U.S. and the European Union. Respondent advertised an incorrect status as to its compliance with the program. The order prohibits Collectify, LLC from making misrepresentations about its membership in any privacy, security, or any other compliance program sponsored by the government or any other third party.

Participants

For the *Commission*: Molly Crawford and Katie Ratté

For the *Respondents*: Karl M. Zielaznicki, Troutman Sanders, LLP.

COMPLAINT

The Federal Trade Commission, having reason to believe that Collectify LLC ("respondent") has violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent Collectify LLC ("Collectify") is a Delaware corporation with its principal office or place of business at 235 East 73rd Street, Suite 3C, New York, New York 10012.
2. Respondent is in the business of selling comprehensive cataloguing software to consumers over the internet, including through a website (www.collectify.com).

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3. The acts and practices of respondent as alleged in this complaint have been in or affecting commerce, as “commerce” is defined in Section 4 of the Federal Trade Commission Act.

4. Since at least September 2001, respondent has set forth on its website, www.collectify.com, privacy policies and statements about its practices, including statements related to its participation in the Safe Harbor privacy framework agreed upon by the U.S. and the European Union (“U.S.-EU Safe Harbor Framework” or “Safe Harbor”).

U.S.-EU SAFE HARBOR FRAMEWORK

5. The U.S.-EU Safe Harbor Framework provides a method for U.S. companies to transfer personal data outside of Europe that is consistent with the requirements of the European Union Directive on Data Protection (“Directive”). Enacted in 1995, the Directive sets forth European Union (“EU”) requirements for privacy and the protection of personal data. Among other things, it requires EU Member States to implement legislation that prohibits the transfer of personal data outside the EU, with exceptions, unless the European Commission (“EC”) has made a determination that the recipient jurisdiction’s laws ensure the protection of such personal data. *See* Directive 95/46/EC of the European Parliament and of the Council (Oct. 24, 1995), *available at* <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31995L0046:EN:HTML>. This determination is commonly referred to as meeting the EU’s “adequacy” standard.

6. To satisfy the EU adequacy standard for certain commercial transfers, the U.S. Department of Commerce (“Commerce”) and the EC negotiated the U.S.-EU Safe Harbor Framework, which went into effect in 2000. The Safe Harbor allows U.S. companies to transfer personal data lawfully from the EU. To join the Safe Harbor, a company must self-certify to Commerce that it complies with seven principles and related requirements that have been deemed to meet the EU’s adequacy standard.

7. Companies under the jurisdiction of the U.S. Federal Trade Commission (“FTC”), as well as the U.S. Department of

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Transportation, are eligible to join the Safe Harbor. A company under the FTC's jurisdiction that self-certifies to the Safe Harbor principles but fails to implement them may be subject to an enforcement action based on the FTC's deception authority under Section 5 of the Federal Trade Commission Act.

8. Commerce maintains a public website, www.export.gov/safeharbor, where it posts the names of companies that have self-certified to the Safe Harbor. The listing of companies indicates whether their self-certification is "current" or "not current." Companies are required to re-certify every year in order to retain their status as "current" members of the Safe Harbor framework. According to the Safe Harbor website, "Organizations should notify the Department of Commerce if their representation to the Department is no longer valid. Failure to do so could constitute a misrepresentation." See Safe Harbor List, available at <http://web.ita.doc.gov/safeharbor/shlist.nsf/webPages/safe+harbor+list>.

VIOLATIONS OF SECTION 5 OF THE FTC ACT

9. In October 2001, respondent submitted to Commerce a self-certification to the Safe Harbor. Respondent renewed that self-certification in October 2002 and October 2003.

10. In October 2004, respondent did not renew its self-certification to the Safe Harbor, and Commerce updated respondent's status to "not current" on its public website. Until July 2009, respondent did not renew its self-certification to the Safe Harbor and was in "not current" status on Commerce's website. (Exhibit A, Declaration of Damon C. Greer).

11. Since at least September 2001 to the present, respondent has disseminated or caused to be disseminated privacy policies and statements on the www.collectify.com website, including, but not limited to, the following statements:

This Privacy Policy complies with the
U.S. Department of Commerce Safe
Harbor Privacy Principles, as approved
by the European Commission.

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Collectify is in the process of certifying its compliance with the U.S. Department of Commerce.

Exhibit B, Oct. 2001 Privacy Policy; Exhibit C, Feb. 2003 Privacy Policy; Exhibit D, Dec. 2004 Privacy Policy; Exhibit E, Dec. 2005 Privacy Policy; Exhibit F, Dec. 2008 Privacy Policy.

12. Through the means described in Paragraph 11, respondent represented, expressly or by implication, that it is seeking self-certification to, or is a current participant in, the Safe Harbor.

13. In truth and in fact, from October 2004 to July 2009, respondent did not seek self-certification to, and was not a current participant in, the Safe Harbor. Therefore, the representations set forth in Paragraph 11 were, and are, false or misleading.

14. The acts and practices of respondents as alleged in this complaint constitute unfair or deceptive acts or practices in or affecting commerce in violation of Section 5(a) of the Federal Trade Commission Act.

THEREFORE, the Federal Trade Commission this ninth day of November, 2009, has issued this complaint against respondent.

By the Commission.

FEDERAL TRADE COMMISSION DECISIONS
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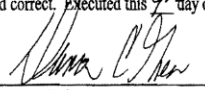
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have not received any documents or information from Collectify to renew its self-certification. Collectify is in "not current" status on the Commerce website.

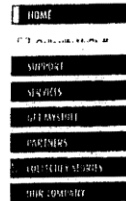
I declare under penalty of perjury under the Laws of the United States of America that the foregoing is true and correct. Executed this 2nd day of June, 2009, in Washington, D.C.



Damon C. Greer
Associate Director for Electronic Commerce
Office of Technology and Electronic Commerce
U.S. Department of Commerce

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Exhibit B



This Privacy Policy governs Collectify LLC's ("Collectify") treatment of personally identifiable information that Collectify collects when you use its Collectify.com website ("Collectify.com"). This Privacy Policy also covers Collectify's treatment of any personally identifiable information that Collectify's business partners share with Collectify. This Privacy Policy does not apply to the practices of companies that Collectify does not own or control, or to people that Collectify does not employ or manage.

By using Collectify.com, you agree to the collection and use of your personal information, as described in this Privacy Policy.

This Privacy Policy was last updated on July 4, 2001. In the event that Collectify changes this Privacy Policy, Collectify will post notice of the change prominently on Collectify.com. In addition, if you have registered on Collectify.com, Collectify will contact you via email to notify you about the changes.

I. Information Collection Practices

A. Information Collectify Collects:

1. **Information You Provide:** Collectify collects information that identifies you personally when you register on Collectify.com, when you purchase Collectify software online, and when you use certain Collectify products or services. Collectify may also receive information that identifies you personally from its business partners.

- a. When you register online, you share your email address and password.
- b. When you use the services provided on Collectify.com, you share all information that you input.
- c. When you order Collectify software online, you share your name, email address, telephone number, billing address, delivery address, credit/charge card number and credit/charge card expiration date.

2. **Information Collectify Automatically Receives:** Collectify automatically receives and records information on its server logs from your browser, including your IP address, cookie information, and the pages on the website you visited.

- a. **Cookies:** A "cookie" is a small piece of information that a web browser can store temporarily on your hard drive. Most web browsers automatically accept cookies, unless you change your browser settings to prevent it from accepting them.
- b. **Collectify Cookies:** Collectify may set and access Collectify.com cookies on your computer. These cookies may contain some of the personal information you have provided to Collectify.
- c. **Third Party Cookies:** Collectify may also allow other companies that are presenting advertisements on Collectify.com to set and access their cookies on your computer. Other companies' use of their cookies are subject to their own privacy policies, not this one. Advertisers or other companies do not have access to Collectify.com's cookies.

3. **No Other Information:** Collectify does not collect any information from you, other than stated above. Collectify only uses information it collects about you in the ways described in this Privacy Policy. Collectify will not use your information in any other way without first obtaining your consent.

4. **Use of This Website By Children:** Collectify does not knowingly solicit information from children under 13, nor does it knowingly market to children under 13. If you

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as a child under 13, please do not use Collectify.com. If you are a parent of a child under the age of 13, and your child has used Collectify.com, you may contact Collectify at privacy@collectify.com, and Collectify will delete any personally identifiable information about your child as soon as reasonably possible.

II. Information Use, Sharing, And Disclosure

- A. Information Collectify Uses: Collectify may use the information it collects to notify you about changes to Collectify.com, software updates, and special offers Collectify thinks that you will find valuable.
- B. Information Collectify Shares:
1. Service Providers: Collectify employs third party service providers to perform certain functions on its behalf. These service providers will have access to your personal information only to the degree it is necessary to provide the product or service you have requested. In addition, Collectify will require all service providers to afford the same level of privacy protection as required by this Privacy Policy.
 - a. Collectify shares your name, billing address, credit/charge card number and credit/charge card expiration date with the service providers that process Collectify's credit/charge card orders.
 - b. Collectify shares your delivery address and phone number with the facilities that fulfill orders, and the couriers that ship and deliver the software.
 - c. Collectify may share your email address with service providers that manage the email messages Collectify sends to Collectify.com users.
 - d. Collectify may share your personal information with a service provider that provides customer service for Collectify.
 2. Sale of Information: Collectify does not sell, trade, or rent your personal information to others without your permission. You may opt-in to allow Collectify to share or disclose your information to third parties when you register. You may change your preferences by sending an email message to privacy@collectify.com.
 3. Aggregate Statistics: Collectify may provide aggregate statistics about its customers, sales, website traffic patterns, and related website information to reputable third parties. This aggregate information will not include any information that personally identifies you.
 4. Legal Reasons: Collectify will share your personal information, if required to do so by subpoena, court order, or other legal processes. Collectify may share your personal information if it finds that your actions on Collectify.com violate the Terms and Conditions or any of its other usage guidelines for specific products or services.

III. Information Accuracy, Reliability and Security

A. Checking And Correcting Your Information:

1. Checking Information: If you wish to know what information Collectify has collected about you, and how Collectify has used this information, please email Collectify at privacy@collectify.com.
2. Correcting Information: Collectify gives you the ability to edit your account information and preferences at any time by sending an email message to privacy@collectify.com.
3. Deleting Information: You may request deletion of your Collectify.com account or any other information Collectify has collected about you by sending an email message to privacy@collectify.com.

B. Reliability, Security and Integrity of Data:

1. Reliability: Collectify promises to keep the data it collects about you accurate and reliable. Collectify will use commercially reasonable efforts to prevent data it collects about you from being misused in any way.
2. Security: Collectify protects your account information with your password. In certain areas, Collectify uses industry standard secure socket layer ("SSL") encryption to protect data transmissions to Collectify.com.
3. Integrity: Collectify uses commercially reasonable efforts to ensure that your information is reliable for its intended use, accurate, complete, and

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current.

IV. Contacting Collectify

1. **Privacy Officer:** Patrick Bouge is the privacy compliance officer of Collectify. The privacy compliance officer is responsible for monitoring Collectify's compliance with this Privacy Policy. Patrick Bouge can be reached via the contact information below.
2. **Contact Information:** If you have any questions about this Privacy Policy, you may contact Collectify by any of the means listed below:
 - a. Email: privacy@collectify.com.
 - b. Postal Mail: 2015 Drummond Street #801, Montreal, QC, H3G 1W7, Canada.
 - c. Telephone: (514) 932-1500.
 - d. Facsimile: (514) 932-4990.

V. Compliance with Laws and Enforcement

- A. **Compliance:** Collectify has used its best efforts to comply with all applicable laws.
 1. **Canada:** This Privacy Policy complies with the requirements of the Canadian Personal Information Protection and Electronic Documents Act and the Quebec Act Respecting The Protection of Personal Information In The Private Sector.
 2. **European Union:** This Privacy Policy complies with U.S. Department of Commerce Safe Harbor Privacy Principles, as approved by the European Commission. Collectify is in the process of certifying its compliance with the U.S. Department of Commerce.
 3. **United States:** This Privacy Policy complies with the requirements of the Children's Online Privacy Protection Act ("COPPA").
- B. **Enforcement:** If you believe that Collectify has violated this Privacy Policy or is violating any laws, or you wish to make a complaint about Collectify's use of your information, you may contact any of the government agencies listed below.
 1. **Canada:**
 - a. **Office of the Privacy Commissioner of Canada:** You may contact the Office of the Privacy Commissioner of Canada by mail at 112 Kent Street, Ottawa, Ontario, K1A 1H3, or by telephone at 1-800-282-1376. In addition, you may visit the Office of the Privacy Commissioner of Canada's website at <http://www.privcom.gc.ca>.
 - b. **La Commission d'accès à l'information du Québec:** You may contact La Commission by mail at 575, rue St. Amable, Bureau 110, Québec, Québec, G1R 2G4, or by telephone at 1-418-529-7741. In addition, you may visit La Commission's website at <http://www.cai.gouv.qc.ca>.
 2. **United States:**
 - a. **Federal Trade Commission (the "FTC"):** You may file a complaint with the FTC by visiting its website at <http://www.ftc.gov>.
 - b. **International Trade Administration (the "ITA"):** You may contact the ITA by visiting its website at <http://www.ita.doc.gov>, or by telephone at 1-800-USA-1RA08.
 - c. **Internet Fraud Complaint Center (the "IFCC"):** The IFCC is a partnership between the Federal Bureau of Investigation and the National White Collar Crime Center. The IFCC's mission is to address fraud committed over the Internet. You may file a complaint with the IFCC by visiting its website at <http://www.ifcc.gov>.
 - d. **New York State Attorney General:** You may file a complaint with the New York State Office of The Attorney General Internet Bureau by visiting the bureau's website at http://www.doit.state.ny.us/internet_complaints/.
- C. **Dispute Resolution:** In the event you have a dispute with Collectify regarding this Privacy Policy, or Collectify's use of your personal information, Collectify will cooperate with data protection authorities located in Europe, as well as the government agencies listed above.

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Exhibit C

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collectify

"Identify. Classify. Collectify. Definitive cataloging software."



Privacy Policy

HOME
COLLECTIFY SOFTWARE
SOFTWARE FEATURES
SERVICES
SUPPORT
ABOUT US
CONTACT US
FOR BUSINESS

Collectify
SOFTWARE LLC

This Privacy Policy governs Collectify LLC's ("Collectify") treatment of personally identifiable information that Collectify collects when you use its Collectify.com website ("Collectify.com"). This Privacy Policy also covers Collectify's treatment of any personally identifiable information that Collectify's business partners share with Collectify. This Privacy Policy does not apply to the practices of companies that Collectify does not own or control, or to people that Collectify does not employ or manage.

By using Collectify.com, you agree to the collection and use of your personal information, as described in this Privacy Policy.

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A. Information Collectify Collects:

1. **Information You Provide:** Collectify collects information that identifies you personally when you register on Collectify.com, when you purchase Collectify software online, and when you use certain Collectify products or services. Collectify may also receive information that identifies you personally from its business partners.

- When you register online, you share your email address and password.
- When you use the services provided on Collectify.com, you share all information that you input.
- When you order Collectify software online, you share your name, email address, telephone number, billing address, delivery address, credit/charge card number and credit/charge card expiration date.

2. **Information Collectify Automatically Receives:** Collectify automatically receives and records information on its server logs from your browser, including your IP address, cookie information, and the pages on the website you visited.

- Cookies:** A "cookie" is a small piece of information that a web browser can store temporarily on your hard drive. Most web browsers automatically accept cookies, unless you change your browser settings to prevent it from accepting them.
- Collectify Cookies:** Collectify may set and access Collectify.com cookies on your computer. These cookies may contain some of the personal information you have provided to Collectify.
- Third Party Cookies:** Collectify may also allow other companies that are presenting advertisements on Collectify.com to set and access their cookies on your computer. Other companies' use of their cookies are subject to their own privacy policies, not this one. Advertisers or other companies do not have access to Collectify.com's cookies.

3. **No Other Information:** Collectify does not collect any information from you, other than stated above. Collectify only uses information collected about you in the ways described in this Privacy Policy. Collectify will not use your information in any other way without first obtaining your consent.

- Use of This Website by Children:** Collectify does not knowingly solicit information from children under 13, nor does it knowingly market to children under 13. If you are a child under 13, please do not use Collectify.com. If you are a parent of a child under the age of 13, and your child has used Collectify.com, you may contact

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Collectify at www.collectify.com, and Collectify will delete any personally identifiable information about your child as soon as reasonably possible.

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1. Service Providers: Collectify employs third party service providers to perform certain functions on its behalf. These service providers will have access to your personal information only to the degree it is necessary to provide the product or service you have requested. In addition, Collectify will require all service providers to afford the same level of privacy protection as required by this Privacy Policy.
 - a. Collectify shares your name, billing address, credit/charge card number and credit/charge card expiration date with the service providers that process Collectify's credit/charge card orders.
 - b. Collectify shares your delivery address and phone number with the facilities that fulfill orders, and the couriers that ship and deliver the software.
 - c. Collectify may share your email address with service providers that manage the email messages Collectify sends to Collectify.com users.
 - d. Collectify may share your personal information with a service provider that provides customer service for Collectify.
2. Sale of Information: Collectify does not sell, trade, or rent your personal information to others without your permission. You may opt-in to allow Collectify to share or disclose your information to third parties when your register. You may change your preferences by sending an email message to privacy@collectify.com.
3. Aggregate Statistics: Collectify may provide aggregate statistics about its customers, sales, website traffic patterns, and related website information to reputable third parties. This aggregate information will not include any information that personally identifies you.
4. Legal Reasons: Collectify will share your personal information, if required to do so by subpoena, court order, or other legal processes. Collectify may share your personal information if it finds that your actions on Collectify.com violate the Terms and Conditions or any of its other usage guidelines for specific products or services.

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2. Security: Collectify protects your account information with your password. In certain areas, Collectify uses industry standard secure socket layer ("SSL") encryption to protect data transmissions to Collectify.com.
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 - b. **La Commission d'accès à l'information du Québec:** You may contact La Commission by mail at 575, rue St. Amable, Bureau 110, Québec, Québec, G1R 2G4, or by telephone at 1-418-528-2741. In addition, you may visit La Commission's website at <http://www.cai.gouv.qc.ca>.
 2. **United States:**
 - a. **Federal Trade Commission (the "FTC"):** You may file a complaint with the FTC by visiting its website at <http://www.ftc.gov>.
 - b. **International Trade Administration (the "ITA"):** You may contact the ITA by visiting its website at <http://www.ita.doc.gov>, or by telephone at 1-800-USA-TRADE.
 - c. **Internet Fraud Complaint Center (the "IFCC"):** The IFCC is a partnership between the Federal Bureau of Investigation and the National White Collar Crime Center. The IFCC's mission is to address fraud committed over the Internet. You may file a complaint with the IFCC by visiting its website at <http://www.ifccfb.gov>.
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Exhibit D



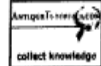
"Identify. Classify. Collectify.
Definitive cataloging software."



PRIVACY POLICY

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 - c. **Third-Party Cookies:** Collectify may also allow other companies that are presenting advertisements on Collectify.com to set and access their cookies on your computer. Other companies' use of their cookies are subject to their own privacy policies, not this one. Advertisers or other companies do not have access to Collectify.com's cookies.
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b. Collectify shares your delivery address and phone number with the facilities that fulfill orders, and the couriers that ship and deliver the software.

c. Collectify may share your email address with service providers that manage the email messages Collectify sends to Collectify.com users.

d. Collectify may share your personal information with a service provider that provides customer service for Collectify.

2. **Sale of Information:** Collectify does not sell, trade, or rent your personal information to others without your permission. You may opt-in to allow Collectify to share or disclose your information to third parties when you register. You may change your preferences by sending an email message to privacy@collectify.com.

3. **Aggregate Statistics:** Collectify may provide aggregate statistics about its customers, sales, website traffic patterns, and related website information to reputable third parties. This aggregate information will not include any information that personally identifies you.

4. **Legal Reasons:** Collectify will share your personal information, if required to do so by subpoena, court order, or other legal processes. Collectify may share your personal information if it finds that your actions on Collectify.com violate the Terms and Conditions or any of its other usage guidelines for specific products or services.

III. Information Accuracy, Reliability and Security

A. **Checking And Correcting Your Information:**

1. **Checking Information:** If you wish to know what information Collectify has collected about you, and how Collectify has used this information, please email Collectify at privacy@collectify.com.

2. **Correcting Information:** Collectify gives you the ability to edit your account information and preferences at any time by sending an email message to privacy@collectify.com.

3. **Deleting Information:** You may request deletion of your Collectify.com account or any other information Collectify has collected about you by sending an email message to privacy@collectify.com.

B. **Reliability, Security and Integrity of Data:**

1. **Reliability:** Collectify promises to keep the data it collects about you accurate and reliable. Collectify will use commercially reasonable efforts to prevent data it collects about you from being misused in any way.

2. **Security:** Collectify protects your account information with your password. In certain areas, Collectify uses industry-standard secure socket layer ("SSL") encryption to protect data transmissions to Collectify.com.

3. **Integrity:** Collectify uses commercially reasonable efforts to ensure that your information is reliable for its intended use, accurate, complete and current.

IV. **Contacting Collectify**

1. **Privacy Officer:** Franklin Silverstone is the privacy compliance officer of Collectify. The privacy compliance officer is responsible for monitoring Collectify's compliance with this Privacy Policy. Franklin Silverstone can be reached via the contact information below.

2. **Contact Information:** If you have any questions about this Privacy Policy, you may contact Collectify by any of the means listed below.

Complaint

- a. Email: privacy@collectify.com.
- b. Postal Mail: 2015 Drummond Street #401, Montreal, QC, H0G 1W7, Canada.
- c. Telephone: (514) 932-1500.
- d. Facsimile: (514) 932-8900.

V. Compliance with Laws and Enforcement

A. Compliance: Collectify has used its best efforts to comply with all applicable laws

1. **Canada:** This Privacy Policy complies with the requirements of the Canadian Personal Information Protection and Electronic Documents Act and the Quebec Act Respecting The Protection of Personal Information in The Private Sector.
2. **European Union:** This Privacy Policy complies with U.S. Department of Commerce Safe Harbor Privacy Principles, as approved by the European Commission. Collectify is in the process of certifying its compliance with the U.S. Department of Commerce.
3. **United States:** This Privacy Policy complies with the requirements of the Children's Online Privacy Protection Act ("COPPA").

B. Enforcement: If you believe that Collectify has violated this Privacy Policy or is violating any laws, or you wish to make a complaint about Collectify's use of your information, you may contact any of the government agencies listed below.

1. **Canada:**
 - a. **Office of the Privacy Commissioner of Canada:** You may contact the Office of the Privacy Commissioner of Canada by mail at 112 Kent Street, Ottawa, Ontario, K1A 1H3, or by telephone at 1-800-282-1376. In addition, you may visit the Office of the Privacy Commissioner of Canada's website at <http://web.archive.org/web/20041206113441/http://www.privcom.gc.ca/>.
 - b. **La Commission d'accès à l'information du Québec:** You may contact La Commission by mail at 575, rue St. Amable, Bureau 1.10, Québec, Québec, G1R 2G4, or by telephone at 1-418-528-7741. In addition, you may visit La Commission's website at <http://web.archive.org/web/20041206113441/http://www.cai.gouv.qc.ca/>.
2. **United States:**
 - a. **Federal Trade Commission (the "FTC"):** You may file a complaint with the FTC by visiting its website at <http://web.archive.org/web/20041206113441/http://www.ftc.gov/>.
 - b. **International Trade Administration (the "ITA"):** You may contact the ITA by visiting its website at <http://web.archive.org/web/20041206113441/http://www.ita.doc.gov/>, or by telephone at 1-800-USA-TRADE.
 - c. **Internet Fraud Complaint Center (the "IFCCC"):** The IFCCC is a partnership between the Federal Bureau of Investigation and the National White Collar Crime Center. The IFCCC's mission is to address fraud committed over the Internet. You may file a complaint with the IFCCC by visiting its website at <http://web.archive.org/web/20041206113441/http://www.ifccfti.gov/>.
 - d. **New York State Attorney General:** You may file a complaint with the New York State Office of The Attorney General Internet Bureau by visiting the bureau's website at http://web.archive.org/web/20041206113441/http://www.oag.state.ny.us/internet_complaint/.

C. Dispute Resolution: In the event you have a dispute with Collectify regarding this Privacy Policy, or Collectify's use of your personal information, Collectify will cooperate with data protection authorities located in Europe, as well as the enforcement agencies listed above.

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This webpage validates to the W3C's XHTML 1.0 and CSS specifications

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Exhibit E

Collectify LLC || Great Cataloging Software || Privacy Policy

Page 1 of 3



"Identify. Classify. Collectify. Definitive cataloging software."



PRIVACY POLICY

This Privacy Policy governs Collectify LLC's ("Collectify") treatment of personally identifiable information that Collectify collects when you use its Collectify.com website ("Collectify.com"). This Privacy Policy also covers Collectify's treatment of any personally identifiable information that Collectify's business partners share with Collectify. This Privacy Policy does not apply to the practices of companies that Collectify does not own or control, or to people that Collectify does not employ or manage.

By using Collectify.com, you agree to the collection and use of your personal information, as described in this Privacy Policy.

This Privacy Policy was last updated on July 4, 2001. In the event that Collectify changes this Privacy Policy, Collectify will post notice of the change prominently on Collectify.com. In addition, if you have registered on Collectify.com, Collectify will contact you via email to notify you about the changes.

I. Information Collection Practices

A. Information Collectify Collects:

1. **Information You Provide:** Collectify collects information that identifies you personally when you register on Collectify.com, when you purchase Collectify software online, and when you use certain Collectify products or services. Collectify may also receive information that identifies you personally from its business partners.
 - a. When you register online, you share your email address and password.
 - b. When you use the services provided on Collectify.com, you share all information that you input.
 - c. When you order Collectify software online, you share your name, email address, telephone number, billing address, delivery address, credit/charge card number and credit/charge card expiration date.
2. **Information Collectify Automatically Receives:** Collectify automatically receives and records information on its server logs from your browser, including your IP address, cookie information, and the pages on the website you visited.
 - a. **Cookies:** A "cookie" is a small piece of information that a web browser can store temporarily on your hard drive. Most web browsers automatically accept cookies, unless you change your browser settings to prevent it from accepting them.
 - b. **Collectify Cookies:** Collectify may set and access Collectify.com cookies on your computer. These cookies may contain some of the personal information you have provided to Collectify.
 - c. **Third Party Cookies:** Collectify may also allow other companies that are providing advertisements on Collectify.com to set and access their cookies on your computer. Other companies' use of their cookies are subject to their own privacy policies, not this one. Advertisers or other companies do not have access to Collectify.com's cookies.
3. **No Other Information:** Collectify does not collect any information from you, other than stated above. Collectify only uses information it collects about you in the ways described in this Privacy Policy. Collectify will not use your information in any other way without first obtaining your consent.
4. **Use of Sites Restricted by Children:** Collectify does not knowingly solicit information from children under 13, nor does it knowingly market to children under 13. If you are a child under 13, please do not use Collectify.com. If you are a parent of a child under the age of 13, and your child has used Collectify.com, you may contact Collectify at admin@collectify.com, and Collectify will delete any personally identifiable information about your child as soon as reasonably possible.

II. Information Use, Sharing, And Disclosure

A. Information Collectify Uses:

Collectify may use the information it collects to notify you about changes to Collectify.com, software updates, and special offers Collectify thinks that you will find valuable.

B. Information Collectify Shares:

1. **Service Providers:** Collectify employs third party service providers to perform certain functions on its behalf. These service providers will have access to your personal information only to the degree it is necessary to provide the product or service you have requested. In addition, Collectify will request all service providers to afford the same level of privacy.

Complaint

protection as required by this Privacy Policy.

- a. Collectify stores your e-mail, home address, credit/debit card number and related charge, and transaction data with the service providers that provide Collectify's cloud storage and server.
- b. Collectify shares your delivery address and phone number with the facilities that handle orders, and the courier that ship and deliver the software.
- c. Collectify may share your email address with service providers that manage the email messages Collectify sends to Collectify.com users.
- d. Collectify may share your personal information with a service provider that provides customer service for Collectify.
2. **Sale of Information:** Collectify does not sell, trade, or rent your personal information to others without your permission. You may opt in to allow Collectify to share or disclose your information to third parties when you register. You may change your preferences by sending an email message to privacy@collectify.com.
3. **Aggregate Statistics:** Collectify may provide aggregate statistics about its customers, sales, website traffic patterns, and related website information to reputable third parties. This aggregate information will not include any information that personally identifies you.
4. **Legal Reasons:** Collectify will share your personal information, if required to do so by subpoena, court order, or other legal processes. Collectify may share your personal information if it finds that your actions on Collectify.com violate the Terms and Conditions or any of its other usage guidelines for specific products or services.

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2. **Correcting Information:** Collectify gives you the ability to edit your account information and preferences at any time by sending an email message to privacy@collectify.com.
3. **Deleting Information:** You may request deletion of your Collectify.com account or any other information Collectify has collected about you by sending an email message to privacy@collectify.com.

B. Reliability, Security and Integrity of Data:

1. **Reliability:** Collectify promises to keep the data it collects about you accurate and reliable. Collectify will use commercially reasonable efforts to prevent data it collects about you from being misused in any way.
2. **Security:** Collectify protects your account information with your password. In certain areas, Collectify uses industry-standard secure socket layer ("SSL") encryption to protect data transmissions to Collectify.com.
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1. **Privacy Officer:** Franklin Silverstone is the privacy compliance officer of Collectify. The privacy compliance officer is responsible for monitoring Collectify's compliance with this Privacy Policy. Franklin Silverstone can be reached via the contact information below.
2. **Contact Information:** If you have any questions about this Privacy Policy, you may contact Collectify by any of the means listed below:
 - a. Email: privacy@collectify.com
 - b. Postal Mail: 2015 Commercial Street - Unit, Montreal, QC, H3G 1M7, Canada.
 - c. Telephone: (514) 932-1504
 - d. Facsimile: (514) 932-8780

V. Compliance with Laws and Enforcement

- a. **Compliance:** Collectify has used its best efforts to comply with all applicable laws.
1. **Canada:** This Privacy Policy complies with the requirements of the Canadian Personal Information Protection and Electronic Information Act and the Quebec Act Respecting The Protection of Personal Information in the Private Sector.
2. **European Union:** This Privacy Policy complies with U.S. Department of Commerce Safe Harbor Privacy Principles, as required by the European Commission. Collectify is in the process of certifying its compliance with the U.S. Department of Commerce.
3. **United States:** This Privacy Policy complies with the requirements of the California Online Privacy Protection Act ("CALOPPA").

Complaint

- B. **Privacy Complaints:** If you believe that Collectify has not kept this Privacy Policy or its practices consistent with what is stated in our privacy policy, please contact your local data protection authority or the appropriate agency listed below:
1. **Canada:**
 - a. **Office of the Privacy Commissioner of Canada:** You may contact the Office of the Privacy Commissioner of Canada by mail at 112 Kent Street, Ottawa, Ontario, K1A 1H2, or by telephone at 1-800-282-1376. In addition, you may visit the Office of the Privacy Commissioner of Canada's website at <http://web.archive.org/web/20051221185844/http://www.priv.gc.ca/>.
 - b. **La Commission d'accès à l'information du Québec:** You may contact La Commission by mail at 575, rue St. Antoine, Bureau 110, Québec, Québec, G1R 2K4 or by telephone at 1-418-529-7741. In addition, you may visit La Commission's website at <http://web.archive.org/web/20051221185844/http://www.cai.quebec.ca/>.
 2. **United States:**
 - a. **Federal Trade Commission (the "FTC"):** You may file a complaint with the FTC by visiting its website at <http://web.archive.org/web/20051221185844/http://www.ftc.gov/>.
 - b. **International Trade Administration (the "ITA"):** You may contact the ITA by visiting its website at <http://web.archive.org/web/20051221185844/http://www.ita.doc.gov/>, or by telephone at 1-800-USA-TRADE.
 - c. **Internet Fraud Complaint Center (the "IFCC"):** The IFCC is a partnership between the Federal Bureau of Investigation and the National White Collar Crime Center. The IFCC's mission is to address fraud committed over the Internet. You may file a complaint with the IFCC by visiting its website at <http://web.archive.org/web/20051221185844/http://www.ifcc.fbi.gov/>.
 - d. **New York State Attorney General:** You may file a complaint with the New York State Office of the Attorney General Internet Bureau by visiting the Bureau's website at <http://web.archive.org/web/20051221185844/http://www.oag.state.ny.us/otipnet/index.html/>.
- C. **Dispute Resolution:** In the event you have a dispute with Collectify regarding this Privacy Policy, or Collectify's use of your personal information, Collectify will cooperate with data protection authorities located in Europe, as well as the enforcement agencies listed above.

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Exhibit F

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Home » Privacy Policy

Privacy Policy

This Privacy Policy governs Collectify LLC's ("Collectify") treatment of personally identifiable information that Collectify collects when you use its Collectify.com website ("Collectify.com"). This Privacy Policy also covers Collectify's treatment of any personally identifiable information that Collectify's business partners share with Collectify. This Privacy Policy does not apply to the practices of companies that Collectify does not own or control, or to people that Collectify does not employ or manage.

By using Collectify.com, you agree to the collection and use of your personal information, as described in this Privacy Policy.

This Privacy Policy was last updated on October 31, 2007. In the event that Collectify changes this Privacy Policy, Collectify will post notice of the change prominently on Collectify.com. In addition, if you have registered on Collectify.com, Collectify will contact you via email to notify you about the changes.

I. Information Collection Practices

A. Information Collectify Collects:

1. **Information You Provide:** Collectify collects information that identifies you personally when you register on Collectify.com, when you purchase Collectify software online, and when you use certain Collectify products or services. Collectify may also receive information that identifies you personally from its business partners.
 - a. When you register online, you share your email address and password.
 - b. When you use the services provided on Collectify.com, you share all information that you input.
 - c. When you order Collectify software online, you share your name, email address, telephone number, billing address, delivery address, credit/charge card number and credit/charge card expiration date.
2. **Information Collectify Automatically Receives:** Collectify automatically receives and records information on its server logs from your browser, including your IP address, cookie information, and the pages on the website you visited.
 - a. **Cookies:** A "cookie" is a small piece of information that a web browser can store temporarily on your hard drive. Most web browsers automatically accept cookies, unless you change your browser settings to prevent it from accepting them.
 - b. **Collectify Cookies:** Collectify may set and access Collectify.com cookies on your computer. These cookies may contain some of the personal information you have provided to Collectify.
 - c. **Third Party Cookies:** Collectify may also allow other companies that are presenting advertisements on Collectify.com to set and access their cookies on your computer. Other companies' use of their cookies are subject to their own privacy policies, not this one. Advertisers or other companies do not have access to Collectify.com's cookies.
3. **No Other Information:** Collectify does not collect any information from you, other than stated above. Collectify only uses information it collects about you in the ways described in this Privacy Policy. Collectify will not use

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your information in any other way without first obtaining your consent.

- B. Use of This Website By Children:** Collectify does not knowingly solicit information from children under 13, nor does it knowingly market to children under 13. If you are a child under 13, please do not use Collectify.com. If you are a parent of a child under the age of 13, and your child has used Collectify.com, you may contact Collectify at privacy@collectify.com, and Collectify will delete any personally identifiable information about your child as soon as reasonably possible.

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1. **Service Providers:** Collectify employs third party service providers to perform certain functions on its behalf. These service providers will have access to your personal information only to the degree it is necessary to provide the product or service you have requested. In addition, Collectify will require all service providers to afford the same level of privacy protection as required by this Privacy Policy.
 - a. Collectify shares your name, billing address, credit/charge card number and credit/charge card expiration date with the service providers that process Collectify's credit/charge card orders.
 - b. Collectify shares your delivery address and phone number with the facilities that fulfill orders, and the couriers that ship and deliver the software.
 - c. Collectify may share your email address with service providers that manage the email messages Collectify sends to Collectify.com users.
 - d. Collectify may share your personal information with a service provider that provides customer service for Collectify.
 2. **Sale of Information:** Collectify does not sell, trade, or rent your personal information to others without your permission. You may opt-in to allow Collectify to share or disclose your information to third parties when your register. You may change your preferences by sending an email message to privacy@collectify.com.
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2. Postal Mail: 2015 Drummond Street #401, Montreal, QC, H3G 1W7, Canada.
3. Facsimile: (514) 932-8990.

V. Compliance with Laws and Enforcement

A. Compliance: Collectify has used its best efforts to comply with all applicable laws.

1. Canada: This Privacy Policy complies with the requirements of the Canadian Personal Information Protection and Electronic Documents Act and the Quebec Act Respecting The Protection of Personal Information in The Private Sector.
2. European Union: This Privacy Policy complies with U.S. Department of Commerce Safe Harbor Privacy Principles, as approved by the European Commission. Collectify is in the process of certifying its compliance with the U.S. Department of Commerce.
3. United States: This Privacy Policy complies with the requirements of the Children's Online Privacy Protection Act ("COPPA").

B. Enforcement: If you believe that Collectify has violated this Privacy Policy or is violating any laws, or you wish to make a complaint about Collectify's use of your information, you may contact any of the government agencies listed below.

1. Canada:

- a. Office of the Privacy Commissioner of Canada: You may contact the Office of the Privacy Commissioner of Canada by mail at 112 Kent Street, Ottawa, Ontario, K1A 1H3, or by telephone at 1-800-282-1376. In addition, you may visit the Office of the Privacy Commissioner of Canada's website at <http://www.privcom.gc.ca>.
- b. La Commission d'accès à l'information du Québec: You may contact La Commission by mail at 575, rue St. Amable, Bureau 1.10, Québec, Québec, G1R 2G4, or by telephone at 1-418-528-7741. In addition, you may visit La Commission's website at <http://www.cai.gouv.qc.ca>.

2. United States:

- a. Federal Trade Commission (the "FTC"): You may file a complaint with the FTC by visiting its website at <http://www.ftc.gov>.
- b. International Trade Administration (the "ITA"): You may contact the ITA by visiting its website at <http://www.ita.doc.gov>, or by telephone at 1-800-USA-TRADE.
- c. Internet Fraud Complaint Center (the "IFCC"): The IFCC is a partnership between the Federal Bureau of Investigation and the National White Collar Crime Center. The IFCC's mission is to address fraud committed over the Internet. You may file a complaint with the IFCC by visiting its website at <http://www.ifccfbi.gov>.
- d. New York State Attorney General: You may file a complaint with the New York State Office of The Attorney General Internet Bureau by visiting the bureau's website at http://www.oag.state.ny.us/internet_complaint/.

C. Dispute Resolution: In the event you have a dispute with Collectify regarding this Privacy Policy, or Collectify's use of your personal information, Collectify will cooperate with data protection authorities located in Europe, as well as the enforcement agencies listed above.

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Decision and Order

DECISION AND ORDER

The Federal Trade Commission, having initiated an investigation of certain acts and practices of the Respondent named in the caption hereof, and the Respondent having been furnished thereafter with a copy of a draft of Complaint, which the Bureau of Consumer Protection proposed to present to the Commission for its consideration and which, if issued, would charge the Respondent with violation of the Federal Trade Commission Act; and

The Respondent and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by the Respondent of all the jurisdictional facts set forth in the aforesaid draft complaint, a statement that the signing of the agreement is for settlement purposes only and does not constitute an admission by the Respondent that the law has been violated as alleged in such complaint, or that any of the facts as alleged in such complaint, other than jurisdictional facts, are true, and waivers and other provisions as required by the Commission's Rules; and

The Commission having thereafter considered the matter and having determined that it had reason to believe that the Respondent has violated the Federal Trade Commission Act, and that a complaint should issue stating its charges in that respect, and having thereupon accepted the executed consent agreement and placed such agreement on the public record for a period of thirty (30) days for the receipt and consideration of public comments, now in further conformity with the procedure prescribed in Section 2.34 of its Rules, 16 C.F.R. § 2.34, the Commission hereby issues its complaint, makes the following jurisdictional findings, and enters the following order:

1. Respondent Collectify LLC is a Delaware corporation with its principal office or place of business at 235 East 73rd Street, Suite 3C, New York, New York 10012.
2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the

Decision and Order

Respondent, and the proceeding is in the public interest.

ORDER

DEFINITIONS

For purposes of this Order, the following definitions shall apply:

- A. Unless otherwise specified, “respondent” shall mean Collectify LLC and its subsidiaries, divisions, affiliates, successors and assigns.
- B. “Commerce” shall mean as defined in Section 4 of the Federal Trade Commission Act, 15 U.S.C. § 44.

I.

IT IS ORDERED that respondent and its officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division, website, or other device, in connection with the advertising, marketing, promotion, offering for sale, or sale of any product or service, in or affecting commerce, shall not misrepresent in any manner, expressly or by implication, the extent to which respondent is a member of, adheres to, complies with, is certified by, is endorsed by, or otherwise participates in any privacy, security, or any other compliance program sponsored by the government or any other third party.

II.

IT IS FURTHER ORDERED that respondent shall maintain and upon request make available to the Federal Trade Commission for inspection and copying, a print or electronic copy of, for a period of five (5) years from the date of preparation or dissemination, whichever is later, all documents relating to compliance with this order, including but not limited to:

Decision and Order

- A. all advertisements, promotional materials, and any other statements containing any representations covered by this order, with all materials relied upon in disseminating the representation; and
- B. any documents, whether prepared by or on behalf of respondent, that call into question respondent's compliance with this order.

III.

IT IS FURTHER ORDERED that respondent shall deliver a copy of this order to all current and future principals, officers, directors, and managers, and to all current and future employees, agents, and representatives having responsibilities relating to the subject matter of this order, and shall secure from each such person a signed and dated statement acknowledging receipt of the order. Respondent shall deliver this order to such current personnel within thirty (30) days after service of this order, and to such future personnel within thirty (30) days after the person assumes such position or responsibilities.

IV.

IT IS FURTHER ORDERED that respondent shall notify the Commission at least thirty (30) days prior to any change in the corporation(s) that may affect compliance obligations arising under this order, including, but not limited to: a dissolution, assignment, sale, merger, or other action that would result in the emergence of a successor corporation; the creation or dissolution of a subsidiary, parent, or affiliate that engages in any acts or practices subject to this order; the proposed filing of a bankruptcy petition; or a change in the corporate name or address. *Provided, however,* that, with respect to any proposed change in the corporation(s) about which respondent learns fewer than thirty (30) days prior to the date such action is to take place, respondent shall notify the Commission as soon as is practicable after obtaining such knowledge. All notices required by this Part shall be sent by certified mail to the Associate Director, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580.

Decision and Order

V.

IT IS FURTHER ORDERED that respondent shall, within sixty (60) days after service of this order, and at such other times as the Commission may require, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

VI.

This order will terminate on November 9, 2029, or twenty (20) years from the most recent date that the United States or the Commission files a complaint (with or without an accompanying consent decree) in federal court alleging any violation of the order, whichever comes later; *provided, however*, that the filing of such a complaint will not affect the duration of:

- A. any Part in this order that terminates in fewer than twenty (20) years;
- B. this order's application to any respondent that is not named as a defendant in such complaint; and
- C. this order if such complaint is filed after the order has terminated pursuant to this Part.

Provided, further, that if such complaint is dismissed or a federal court rules that respondent did not violate any provision of the order, and the dismissal or ruling is either not appealed or upheld on appeal, then the order as to such respondent will terminate according to this Part as though the complaint had never been filed, except that the order will not terminate between the date such complaint is filed and the later of the deadline for appealing such dismissal or ruling and the date such dismissal or ruling is upheld on appeal.

By the Commission.

Analysis to Aid Public Comment

ANALYSIS OF CONSENT ORDER TO AID PUBLIC COMMENT

The Federal Trade Commission (“FTC” or “Commission”) has accepted, subject to final approval, a consent agreement from Collectify, Inc. (“Collectify”).

The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement and take appropriate action or make final the agreement’s proposed order.

This matter concerns alleged false or misleading representations that Collectify made to consumers concerning its participation in the Safe Harbor privacy framework (“Safe Harbor”) agreed upon by the U.S. and the European Union (“EU”). It is among the Commission’s first cases to challenge deceptive claims about the Safe Harbor. The Safe Harbor provides a mechanism for U.S. companies to transfer data outside the EU consistent with European law. To join the Safe Harbor, a company must self-certify to the U.S. Department of Commerce (“Commerce”) that it complies with seven principles and related requirements. Commerce maintains a public website, www.export.gov/safeharbor, where it posts the names of companies that have self-certified to the Safe Harbor. The listing of companies indicates whether their self-certification is “current” or “not current.” Companies are required to re-certify every year in order to retain their status as “current” members of the Safe Harbor framework.

Collectify sells comprehensive cataloguing software to consumers over the internet, including through a website (www.collectify.com). According to the Commission’s complaint, since at least September 2001, Collectify has set forth on its website, www.collectify.com, privacy policies and statements about its practices, including statements related to its participation in the Safe Harbor privacy framework.

Analysis to Aid Public Comment

The Commission's complaint alleges that Collectify falsely represented that it was a current participant in the Safe Harbor when, in fact, from October 2004 until July 2009, Collectify was not a current participant in the Safe Harbor. The Commission's complaint alleges that in October 2001, Collectify submitted a Safe Harbor self-certification, which it renewed in October 2002 and October 2003. Collectify did not renew its self-certification in October 2004 and was in "not current" status on the Commerce website until it renewed its self-certification in July 2009.

Part I of the proposed order prohibits Collectify from making misrepresentations about its membership in any privacy, security, or any other compliance program sponsored by the government or any other third party.

Parts II through VI of the proposed order are reporting and compliance provisions. Part II requires Collectify to retain documents relating to its compliance with the order for a five-year period. Part III requires dissemination of the order now and in the future to persons with responsibilities relating to the subject matter of the order. Part IV ensures notification to the FTC of changes in corporate status. Part V mandates that Collectify submit an initial compliance report to the FTC, and make available to the FTC subsequent reports. Part VI is a provision "sunsetting" the order after twenty (20) years, with certain exceptions.

The purpose of the analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Complaint

IN THE MATTER OF

**CSE, INC. D/B/A MAD MOD,
CHRIS SAETVEIT,
AND
CYNDI SAETVEIT**

CONSENT ORDER, ETC. IN REGARD TO ALLEGED VIOLATIONS OF
SEC. 5 OF THE FEDERAL TRADE COMMISSION ACT AND THE
TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

Docket No. C-4280; File No. 082 3181

Complaint, December 15, 2009 - Decision, December 15, 2009

This consent order addresses allegations that CSE, Inc., also doing business as Mad Mod, a producer, seller and distributor of a textile fiber product called “Bamboo Comfort” throughout the United States, made deceptive advertising claims about its product in violation of Section 5 of the FTC Act. Respondents sold textile fiber products that were misbranded or falsely or deceptively advertised as bamboo fiber. The respondent did not comply with the Textile Act or the Textile Rules and Regulations. The order prohibits the respondents from advertising a product is made of bamboo, or bamboo fiber, or manufactured using an environmentally friendly process, or is anti-microbial, unless the representation is true, non-misleading, and, at the time it is made, respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation.

Participants

For the *Commission*: Melinda Claybaugh and Korin Ewing.

For the *Respondents*: Chris Saetveit and Cyndi Saetveit,
Owners, pro se.

COMPLAINT

The Federal Trade Commission, having reason to believe that CSE, Inc. also doing business as Mad Mod (“Mad Mod”), a corporation, and Chris Saetveit and Cyndi Saetveit, individually and as owners of the corporation (“Respondents”), have violated the provisions of the Federal Trade Commission Act, 15 U.S.C. § 41, *et seq.*, the Textile Fiber Products Identification Act, 15 U.S.C. § 70, *et seq.*, and the Rules and Regulations promulgated