

Privacy Policy | Your Privacy Rights

Welcome to appbackr.com (the “**Site**”), a website operated by appbackr Inc. (“**appbackr**”, “**we**”, or “**us**”). The Site is a digital wholesale marketplace (a “**Marketplace**”) where developers can “pre-sell” downloads of iPhone applications they are developing (an “**Application**”) to buyers who want to share in the revenue when the Application is sold through Apple’s iTunes Store. In short, appbackr provides developers the opportunity to receive money now (perhaps to support development efforts or pay the rent) while allowing buyers an opportunity to make a profit, a little later.

We understand that your privacy is important. With this in mind, we have created and posted this privacy policy that describes our collection, use and disclosure practices. If you are not comfortable with any of the practices we describe in this privacy policy, please do not use the Site or the Services. Your use of the Site and the services offered through the Site (the “Services”) constitute your acknowledgement and acceptance of our privacy practices.

THE SITE AND THE SERVICES ARE HOSTED IN THE UNITED STATES. IF YOU ARE A USER ACCESSING THE SITE OR SERVICES FROM THE EUROPEAN UNION, ASIA, OR ANY OTHER REGION WITH LAWS OR REGULATIONS GOVERNING PERSONAL DATA COLLECTION, USE, AND DISCLOSURE, THAT DIFFER FROM UNITED STATES LAWS, PLEASE BE ADVISED THAT THROUGH YOUR CONTINUED USE OF SITE OR THE SERVICES, YOU ARE TRANSFERRING YOUR PERSONAL INFORMATION TO THE UNITED STATES AND YOU CONSENT TO THAT TRANSFER. ADDITIONALLY, YOU UNDERSTAND THAT YOUR PERSONAL INFORMATION MAY BE PROCESSED IN COUNTRIES (INCLUDING THE UNITED STATES) WHERE LAWS REGARDING PROCESSING PERSONAL INFORMATION MAY BE LESS STRINGENT THAN IN YOUR COUNTRY.

A Note About Children. The Site is not designed to attract children under the age of 18 and we do not intentionally gather any information about visitors who are under the age of 18.

The Ways We Collect Information

Personal Information

“**Personal Information**” means information about you that is personally identifiable, like your name, address, e-mail address, or phone number, as well as other non-public information that is associated with this personal information. The Personal Information we obtain about you is information you knowingly provide to us or otherwise authorize us to collect. If you register with us and create an “**Account**” to gain access to the Marketplace, you will provide us with your name and email address and select a password.

We may collect and store the following Personal Information:

1. Your name;
2. Your contact information (e.g., your address, email address, and telephone number), gender and PayPal account name;
3. Transactional information based on your activities on the Site (such as buying, selling, applications developed and content you generate or that relates to your Account);
4. Information about an application you are attempting to sell;
5. Your biography, as written by you, your login ID Twitter and LinkedIn and your personal URL (1, 3, 4, and 5, collectively, “**Application Information**”); and
6. Information and communications relating to dispute resolution, correspondence through the Site, and correspondence sent to us.

If you are a developer of applications, we will receive information from Apple, Inc. (“**Apple**”) about the development and sale of such applications (“**iTunes Information**”), which we will consider Application Information. We may also attempt to verify certain of your Personal Information with Apple and other third-party service providers. In the event we receive additional information about you from such third parties, any such information disclosed or otherwise learned by us, excluding iTunes Information, shall be

considered Personal Information for the purposes of this Agreement and not Application Information, regardless of the type or character of information.

Anonymous Information

“Anonymous Information” means information that is not linked to Personal Information and does not enable contact with any identifiable person. As you use the Site or the Services, certain Anonymous Information may also be passively collected and stored on our server logs, such as your Internet protocol address, browser type, and access times. We also store a small text file called a **“Cookie”** on your computer to store your login information (if any) and your personal preferences for the Services. We may use both session Cookies (which expire once you close your web browser) and persistent Cookies (which stay on your computer until you delete them). One of the primary purposes of Cookies is to provide a convenience feature to save you time by telling the Web server that you have returned to a specific page. While you will still be able to use the Site if you disable Cookies in your browser, you will need to log in each time you visit the Site.

The Ways We Use Information

We will use your Personal Information to:

- Administer your Account;
- Respond to your requests, resolve disputes and/or troubleshoot problems;
- Verify your compliance with your obligations in the Site’s Terms of Service, the Developer Agreement and the Wholesale Purchase Agreement (collectively, the **“User Agreements”**);
- Provide you with Services and customer support;
- Collect fees and distribute revenue;
- Prevent potentially prohibited activities, and enforce our User Agreements;
- Improve the quality of the Site and the Services; and
- Communicate with you and provide you with other information that may be useful or interesting to you.

We will send you Service-related announcements upon the occurrence of certain events and when we believe it is necessary to do so. You may not opt-out of these communications, which are not promotional in nature, but if you do not wish to receive these announcements, you have the option of terminating your affiliation with appbackr by contacting us at support@appbackr.com.

We may use your Anonymous Information internally to improve our internal operations or software, tailor web content to your interests and automatically log you into the Site on subsequent visits.

The Ways We Disclose Information

We may disclose certain Personal Information:

- To other appbackr members, but only in the form of Application Information (and not other Personal Information);
- To other appbackr members with whom you execute a Wholesale Purchase Agreement, including iTunes Information and your contact information;
- To third party vendors who help us provide the Services or the Site;
- To third parties to whom you ask us to send Personal Information;
- To a parent company, any subsidiaries, joint ventures, or other companies under a common control (collectively, **“Affiliates”**), in the event we have such Affiliates in the future, in which case we will require our Affiliates to honor this Privacy Policy;
- To a company that merges with us, acquires us, or purchases our assets, in which case such company may continue to process your Personal Information as set forth in this Privacy Policy; or
- If we believe in good faith that such disclosure is necessary to (a) resolve disputes, investigate problems, or enforce our User Agreements; (b) comply with relevant laws or to respond to requests from law enforcement or other government officials relating to investigations or alleged illegal activity, we can (and you authorize us to) disclose Personal Information without subpoenas

or warrants served on us; or (c) protect and defend our rights or property or the rights and property of you or third-parties.

We may disclose Anonymous Information to:

- Third party vendors who may help us enhance or provide appbackr or Services; or
- To third parties to whom you ask us to send Personal Information.

Information You Share on the Site

Because appbackr is a community-oriented marketplace, it is important that buyers have sufficient information about developers in order to consider purchases. Certain Application Information is required in order to participate in and receive certain Services but other Application Information you may provide to us is optional. You are welcome to share as much information about yourself as you think is necessary and appropriate. We will display on the Site any Application Information you provide to us and we may also display certain iTunes Information as well.

We provide Account holders on our Site with the opportunity to communicate with you through an anonymous in-browser message box. If you respond to any in-browser message, you will be providing the recipient your email address. Through this communication, Account holders may request additional information from you. Such sharing of information is entirely your choice, and you share this information at your own discretion.

How You Can Update or Delete Your Information

You can see, review and change most of your Personal Information by registering as a member on to the Site. You must promptly update your personal information if it changes or is inaccurate. Upon your request, we will close your account and remove your Application Information from view as soon as reasonably possible, in accordance with applicable law. We do retain Personal Information from closed accounts to comply with law, prevent fraud, collect any fees owed, resolve disputes, troubleshoot problems, assist with any investigations, enforce our User Agreements, and take other actions otherwise permitted by law.

Information Disclosed to Third Parties

This document addresses only the use and disclosure of information we collect from and/or about you. If you disclose your information to others, including to other appbackr members, different rules may apply to their use or disclosure of the information you disclose to them. We do not control the privacy policies of third parties, and you are subject to the privacy policies of those third parties where applicable.

The Site may contain links to other websites that are not owned or controlled by us. We have no control over, do not review and are not responsible for the privacy policies of or content displayed on such other websites. When you click on such a link, you will leave the Site and go to another site. During this process, another entity may collect Personal Information or Anonymous Information from you. Please review the other site's privacy practices before engaging or trusting that site with your personal information.

Changes to this Privacy Policy

This Privacy Policy is subject to revision from time to time on a going-forward basis. We will post any revised version of the Privacy Policy on this page. If we make any material changes to it, we will also send you notice thereof to the last email address you have provided to us. Any amended Privacy Policy will be effective: thirty (30) calendar days after posting for then-current members, and upon posting for any persons who create an Account after such posting.

Any changes to this Privacy Policy may affect our use or disclosure of Personal Information collected prior to the changes. If you do not agree to any of the changes, you must notify us prior to the effective date of the changes that you wish to terminate your appbackr membership. Continued use of our

Services following notice of such changes shall indicate your acknowledgement of such changes and agreement to be bound by the terms and conditions of such changes.

Contact Us

If you have any questions or suggestions regarding our Privacy Policy, please contact us by sending an e-mail to support@appbackr.com.

This Privacy Policy was last revised: March 17, 2010.