

PRIVACY AND COOKIE NOTICE

Effective Date: Dec 17, 2024

[*Element Worldwide, LLC*] (“**EI3ment**,” “**we**,” or “**us**”) respects and values your privacy. As part of our commitment to use the information you share with us responsibly, we want you to be familiar with how we collect, use, and disclose information that relates to you, your computer, or your device and that enables your identification (“**Personal Information**”).

EI3ment operates or provides access to our website, mobile application, and other online interactive features and services, including emails, newsletters, social media group pages, and other forums (collectively, “**Services**”). This Privacy and Cookie Notice (this “**Notice**”) describes how we process Personal Information about you that we collect through Service operated and controlled by us from which you are accessing this Notice. This Notice does not apply to information that we collect offline, such as over the telephone or in person. By using the Services, you agree to the terms and conditions of this Notice.

1. WHAT INFORMATION DO WE COLLECT ABOUT YOU?

Some parts of the Services may ask you to submit Personal Information in order for you to benefit from the specified features or to participate in a particular activity. For example, you may voluntarily provide Personal Information to us in the following ways:

- **Sign up for Waitlist List:** If you sign up for our waitlist on our website, we will collect your name, email address, phone number, and location so that we can contact you with updates and notices regarding our Services.
- **Contact Us Forms and Correspondence:** If you contact us, we may keep a record of that correspondence. For example, we collect the information that you provide on the “contact us” form available on the Services.
- **Registering as an Artist and Creating an Artist Profile:** If you are a music creator or performer (an “**Artist**”) you may register to create an account with EI3ment. As part of that registration, we will collect your name, email address, username, password, and location. The Artist profile that you create may include display name and username, profile picture, artist self-description, 20 second samples of music you own with genres classified, website urls for sites that host music catalogues, and music samples. If you collaborate with other Artists or connect with users, the Services keep a record of those interactions and link them to your account.
- **Artist Creation and Collaboration:** If you are an Artist on the Services, you may use the Services to connect and collaborate with other Artists. The Services will process any Personal Information you provide through such collaborations, including any Personal Information included in any notes, files, pictures, and videos that are shared through the Services.
- **Chat Features:** The Services may give Artists and other users the opportunity to connect with each other by messaging or chatting in groups. The Services will process any Personal Information you may provide or post through any chats, blogs, or other forums available through the Services (collectively, “**Chat Features**”).

- **Subscribe to Mailing List:** If you subscribe to our mailing list, we will collect your email address.
- **Consent Records:** If we ask for your permission to take an action, we will retain a record of the consents you have given, together with the date and time, means of consent, and any related information, such as the subject matter of the consent.
- **Surveys:** If you choose to participate in a survey, we will collect the information that you voluntarily provide in the course of the survey.
- **Other information you voluntarily provide:** If you fill out forms on the Services or participate in activities, we will collect the information you voluntarily provide or that is described at the point where the information is collected.

We may combine Personal Information you submit through the Services with other information we have collected from or about you, whether on-line or off-line. We treat the combined information in accordance with this Notice.

Passive Collection of Information from Use of the Services

Through your use of the Services, we may also gather information about your use of the Services that does not identify you directly but may identify your computer or device. Generally, this information is collected through what we refer to in this Notice as “**Traffic Data**.” We may collect and store such Traffic Data automatically whenever you interact with the Services. For example, we may collect your IP address, the hostname of your computer, browser information and reference site domain name every time you use our website. We may collect information regarding user traffic patterns and Service usage. This Traffic Data does not, however, contain anything that can personally identify you, though it may identify your computer or device; it is used to analyze and improve the Services, to provide you with a better experience with the Services, and to show you information tailored to you. Please see the section below in this Notice regarding Passive Information Collection for more information about our use of cookies and other technologies.

Location Data

If you use certain parts of our Services, we may collect location data obtained from your IP address or mobile device, or you may be asked to input location data. We use this location data to provide information that we think is relevant to you.

Data about Children

We do not knowingly collect Personal Information through the Services from children under the age of 13. We reserve the right to delete any information identified as having been provided through the Services from children under the age of 13.

2. HOW DO WE USE THE INFORMATION WE COLLECT FROM YOU?

We use Personal Information submitted by you or otherwise collected through the Services for the purposes described in this Notice and as otherwise described to you at the point of collection. Generally, we use the information you provide for the reason for which it was provided. For example, if you contact us by e-mail, we will use the Personal Information you provide to answer your question or resolve your problem and will respond to the email address from which the contact came. We may also use Personal Information about you as specifically described below:

- **Requests, Inquiries, and Applications:** We may use your Personal Information to process, evaluate, and respond to your requests, inquiries, and applications. So, if you provide us with Personal Information to register for an account, we will use your information to create and manage your account. If you sign up to participate in a survey or a contest, we will use your Personal Information to allow such participation and administer those activities. If you use the Services to connect with other Artists, we will track that activity through your account on the Services.
- **Manage Our Relationship With You:** We may use your Personal Information to facilitate your use of our Services and your account, and to send you important information regarding our relationship with you or regarding the Services, such as information about changes to our terms, conditions, policies, and other administrative information.
- **Purchases:** If you make a purchase through the Services, we will use your Personal Information to complete and fulfill your purchase, including to process your payment deliver the purchased item or service to you, and provide you with related customer service.
- **Personalization:** We may use your Personal Information, including your history with us, to personalize your experience and to deliver content relevant to you.
- **Internal Operations:** We may use your Personal Information for internal business purposes, including without limitation, to help us operate, evaluate, and improve the quality of the Services; to develop new products, services, and features; to better understand those individuals that utilize the Services; to verify your identity; to determine the effectiveness of our promotional campaigns; to prevent, protect against, identify, or address fraud, unauthorized activity, claims, liabilities, and other wrongdoing; to provide you with customer service; and to generally manage our operations.
- **Traffic Data:** We may use Traffic Data to perform data analytics and to personalize your experience on the Services. To learn more about how we use Traffic Data, please see Section 5 of this Notice.
- **Music Samples:** We may use the metadata you shared when uploaded music through the Site or music distributed via El3ment's services, to train, develop, and improve internal AI models for purposes such as genre classification, music trends analysis, synchronization placements, licensing, and other music-related applications.

- **Legal Requirements and Contractual Obligations:** We may use your Personal Information as we believe to be necessary or appropriate: (a) under applicable law, including laws outside your country of residence; (b) to comply with legal process; (c) to respond to requests from public and government authorities, including public and government authorities outside your country of residence; (d) to enforce our terms and conditions; (e) to protect our operations or those of any of our affiliates; (f) to protect our rights, privacy, safety or property, and/or that of our affiliates, you, or others; and (g) to allow us to pursue available remedies or limit the damages that we may sustain.
- **For any other purpose specified at the point of collection.**

We may use non-personal information or aggregate information that does not identify an individual without restriction, and we may share such information with third parties. For example, we may use non-personal information to conduct research and analyses to support our mission.

3. WITH WHOM DO WE SHARE YOUR INFORMATION?

We may share your Personal Information only as described in this Notice or as otherwise described to you at the point of collection.

- **Artist Collaboration:** If you are an Artist and choose to connect and collaborate with other Artists through the Services, you may choose to share your profile information with those other Artists along with any Personal Information included in any notes, files, pictures, videos, or songs that you share. Artists may see which other Artists viewed or listened to their content.
- **Chat Features:** If you share Personal Information through Chat Features with other users, that Personal Information can be seen by any other user in that group chat or message. Please note that El3ment has no control over the sharing of Personal Information that other users access through the Chat Features.
- **A&R Mode:** If you choose to participate in A&R Mode through the Services, you can opt-in to sharing of your Personal Information, including performance analytics, with third parties that are interested in talent recommendations.
- **Music Licensing:** The right to use User Content, including any uploaded music through the Site or music distributed via El3ment's services, to train, develop, and improve internal AI models for purposes such as genre classification, music trends analysis, synchronization placements, licensing, and other music-related applications.
- **Affiliates:** We may share your Personal Information with our affiliates for purposes consistent with this Notice. Our affiliates will be bound to maintain that Personal Information in accordance with this Notice.
- **Agents, Consultants, and Service Providers:** We may share your Personal Information with individuals or companies that we hire to provide services to us, such as website hosting services. If you purchase a product or service on the Site, we will share your Personal Information with the native app platforms to complete in-app payments. Please note that the native app platform may use and share your Personal Information as necessary to process your payment.

- **Business Transfers:** We may transfer your Personal Information in the event of a sale, merger, consolidation, change in control, transfer of substantial assets, bankruptcy, liquidation, or reorganization. We may also disclose your Personal Information in the course of due diligence of such a transaction. You acknowledge and agree that any successor to or acquirer of El3ment (or its assets) will continue to have the right to use your Personal Information and other information. Whether the recipient of your Personal Information in these cases will handle your Personal Information pursuant to this Notice will depend on the applicable law and other factors.
- **Legal Requirements:** We use and disclose Personal Information as we believe to be necessary or appropriate: (i) under applicable law, including laws outside your country of residence; (ii) to comply with legal process; (iii) to respond to requests from public and government authorities, including public and government authorities outside your country of residence; (iv) to enforce our terms and conditions; (v) to protect our operations or those of any of our affiliates; (vi) to protect our rights, privacy, safety, or property, and/or that of our affiliates, you, or others; and (vii) to allow us to pursue available remedies or limit the damages that we may sustain.
- **Passively Collected Information:** We may share Traffic Data that does not identify you directly, but may identify your computer or device, as described in Sections 5 of this Notice.
- **As Described at the Point of Collection:** If you choose to participate in a particular program or service through El3ment, we may share your Personal Information as described at the point where we collect your Personal Information in connection with your participation in that program or service. For example, if we take a survey of our users along with a collaborating partner, we may ask at the time that you sign up for the survey whether we can share your Personal Information with the collaborating partner.

4. LINK TO THIRD PARTY SITES; SOCIAL MEDIA PAGES

We are not responsible for the privacy practices of other online services, including other applications or websites. It is your sole obligation to review and understand the privacy practices and policies of third parties. The availability of, or inclusion of a link to or interface with, any third-party service on the Services, such as a link to an article on a third-party website, does not imply endorsement of that website by us. Your use of those other sites and services is subject to the privacy policies of those sites and services, and not this Notice.

El3ment users may engage with El3ment on social media sites, such as Facebook and Instagram. We do not control how those social media sites may collect, use, and disclose any Personal Information that you share on their platforms. Each third-party social media site's use of your Personal Information is governed by its own separate privacy policy, which is available on the applicable social media site. El3ment also does not control, and we take no responsibility for, how other users of those social media sites will use and share the Personal Information that you share on social media pages.

5. COOKIES AND OTHER PASSIVE COLLECTION TECHNOLOGIES

As you navigate the Services, certain Traffic Data may be passively collected, meaning it is gathered without your actively providing it. This is done using the following technologies in the following ways:

Through your browser: Certain information is collected by most browsers, such as your Media Access Control (MAC) address, computer type and operating system type and version screen resolution, and Internet browser type and version.

IP Address: Your IP Address is a number that is automatically assigned to the computer that you are using by your Internet Service Provider. An IP Address is identified and logged automatically in our server log files whenever a user visits the Services, along with the time of the visit and the page(s) that were visited. Collecting IP Addresses is standard practice on the Internet and is done automatically by many online service providers, including website operators. We use IP Addresses for purposes such as calculating Services usage levels, helping diagnose server problems, identifying the country in which you reside, and administering the Services. We provide more information on how we use this information below in the section on Google Analytics/Firebase Analytics.

Device identifiers: If you access the Services through a mobile device or other network-connected product, certain information may be collected about that device, including your device type, network service provider, and other identifiers. We may collect unique device identifiers (such as IDFA and AID tags and UUID and UDID identifiers) associated with the devices you use to access the Services. You can disable this in the privacy settings on your device. We provide more information on how we use this information below in the section on Google Analytics/Firebase Analytics.

Using cookies and technologies similar to cookies: Like many organizations, our Services may use “cookies” and technologies similar to cookies to help make sure the Services are meeting the needs of our users and to help us make improvements and to personalize your experience on the Services. Cookies are bits of text that are placed on your computer’s hard drive when you visit certain websites. We may use cookies set by us on the Services to tell us, for example, whether you have visited us before or if you are a new visitor or the parts of the Services that you use. We provide more information on how we use this information below in the section on Google Analytics/Firebase Analytics.

You can refuse our use of some or all cookies by turning off the use of cookies in your web browser. If you use your browser settings to block all types of cookies you may not be able to access all or parts of our Services or functionality may be limited.

You can set your browser to notify you before you receive a cookie, giving you the chance to decide whether to accept it. You can also set your browser to turn off cookies.

Changing your internet browser settings can prevent the use of cookies. Each browser has a different procedure for disabling the use of cookies. The Help function within your browser should tell you how. Alternatively, you may visit <http://www.aboutcookies.org> where you can review information on how to control cookies on a variety of browsers.

Google Analytics / Firebase Analytics: We use Google Analytics for Firebase or Firebase Analytics to collect information about how visitors use the Services, including how long you spend on each page of our Services, and how you got to the Services. Identifiers such as cookies and app instance IDs are used by Google Analytics / Firebase Analytics to measure user interactions with the Services and IP addresses are used to provide and protect the security of the Services and to give us a sense of where in the world our users come from. We do not use data collected by cookies or similar tracking technologies to identify who you are, but we do use certain demographic information such as your age range (e.g., 18-24 years old), your gender, and the country in which you reside to better understand the users of the Services.

You can visit [Safeguarding your data - Analytics Help \(google.com\)](https://tools.google.com/dlpage/gaoptout) to learn more about Google Analytics' use of cookies. You can visit <https://tools.google.com/dlpage/gaoptout> for information on how to opt out of Google Analytics cookies.

Google Analytics for Firebase collects mobile device identifiers (for example, Android Advertising ID and Advertising Identifier for iOS). You can disable this in the privacy settings on your device.

Social Media Plug-Ins: We use social media plug-ins from social media networks like Facebook, Instagram, YouTube and Twitter, which are labeled on our Site with the well-known symbols of the respective social network. If you interact with these plug-ins, your activity on the Services may also be made available to those social networks. In order to understand how those social media networks use and disclose your Personal Information, please review the privacy policies available on the websites of those social media networks.

Do Not Track Signals: Our Services currently do not respond to "Do Not Track" (DNT) signals and operates as described in this Notice whether or not a DNT signal is received.

Although our use of passive collection technologies may change over time as technology evolves, the above descriptions are designed to provide you with additional detail about our current approach to information collected from passive technologies.

6. SECURITY

We take what we believe to be reasonable steps to protect the Personal Information collected by us from loss, misuse, unauthorized use, access, inadvertent disclosure, alteration, and destruction. However, no network, server, database, or Internet or email transmission is ever fully secure, error-free, or "hacker proof." Therefore, you should take special care in deciding what information you provide to us. Please keep this in mind when disclosing any Personal Information.

7. DATA RETENTION

We generally retain Personal Information for so long as it may be relevant to the purposes above, or for longer when required by law. To dispose of Personal Information, we may anonymize it, delete it, or take other appropriate steps. Even if we delete your Personal Information, it may persist on backup or archival media for an additional period of time for legal, tax, or regulatory reasons, or for legitimate and lawful business purposes.

8. YOUR RIGHTS AND CHOICES

Opt Out From Direct Electronic Communications

Where it is in accordance with your preferences, El3ment may send you direct electronic communications, such as through email or text message. You may "opt out" of receiving these electronic communications by following the instructions in the message that you receive, or by sending an email to info@el3mentapp.com indicating which communications you no longer wish to receive.

Opt Out From Cookie-Related Processing

You can opt out from certain cookie-related processing as described in Section 5 of this Notice.

Deletion of Personal Information

You may modify or delete your El3ment account information at any time by following the instructions on the Services. If you wish to have El3ment delete your Personal Information from our system, you may submit a request for deletion to El3ment by emailing us at info@el3mentapp.com. El3ment will seek to comply with your request as soon as practicable, but El3ment will not delete information (i) that El3ment is required to maintain to comply with the law or legal process, (ii) where such information is necessary for El3ment to exercise its legal rights, or (iii) where such information is maintained in El3ment's normal backup systems where the information is not accessed or used except for backup and security purposes. Note that if you delete your Personal Information, you may lose some of the functionality of the Services.

Concerns or Complaints

If you have any questions or concerns regarding the processing of your Personal Information, you may contact us at info@el3mentapp.com. If you are an EU resident, you may also lodge a complaint with a supervisory authority (in particular in the Member State of the European Union of your usual place of residence, place of work, or the place where the violation occurred).

9. UPDATES AND CHANGES TO OUR PRIVACY POLICY

The operations of El3ment may change from time to time. As a result, at times it may be necessary for us to make changes to this Notice to reflect changes in the law, our data handling practices, or the features of our services, websites, and apps. We reserve the right, in our sole discretion, to update or modify this Notice at any time. Modifications to this Notice will be posted on our website at www.el3mentapp.com and the new Effective Date will be displayed at the top of this Notice. In certain circumstances, El3ment may, but need not, provide you with additional notice of such modifications, such as via email. Modifications will be effective 30 days following the Effective Date, or such other date as communicated in any other notice to you. Where required by applicable law, we will apply changes only with your consent.

Please review this Notice periodically, and especially before you provide any Personal Information. This Notice was updated on the date indicated above. Your continued use of our Services following the effectiveness of any modifications to this Notice constitutes your acceptance of those modifications. If any modification to this Notice is not acceptable to you, you should cease accessing, browsing, and otherwise utilizing El3ment's Services.

10. LAWFUL BASES FOR PROCESSING YOUR PERSONAL INFORMATION

The laws in some countries require us to tell you that El3ment is the controller of the Personal Information that we collect through the Services. A "controller" is the person or organization who alone or jointly determines the purposes for which, and the manner in which, any Personal Information is, or is likely to be, processed.

Data protection laws in some countries also require us to tell you about the lawful grounds we rely on to collect, use, disclose, and otherwise process your personal information. To the extent those laws apply, our lawful bases for processing your Personal Information are:

- i. To enter into and perform a contract with you: We may process Personal Information to meet our contractual obligations to you, or to take steps in anticipation of entering into a contract. For example, we process Personal Information on this basis to process orders and payments for products and services.
- ii. To comply with a legal obligation: We need to use and disclose Personal Information in certain ways to comply with our legal obligations, such as to maintain the security of our Services.
- iii. For our legitimate interests, where those interests are not overridden by your fundamental rights and freedoms: In many cases, we handle personal information because it furthers our legitimate business interests. This includes:
 - Providing a safe user experience on the Services;
 - Customer service;
 - Where in accordance with your preferences, sending communications to you to let you know about information you have told us is important to you;
 - Protecting users and our property;
 - Analyzing and improving our Services and developing new Services (e.g., optimizing the design and operation of our Services); and
 - Managing legal issues.
- iv. With your consent: Where permitted by law, we handle Personal Information on the basis of your consent. This includes where you sign up to receive email or text message communications.

11. INTERNATIONAL TRANSFERS OF PERSONAL INFORMATION

Because El3ment provides the Services worldwide, your Personal Information may be transferred to countries outside of your country, including to the United States and to other countries where the laws provide different levels of privacy protection than in your country.

12. HOW TO CONTACT US

If you have any questions regarding this Notice or the use of your Personal Information under this Notice, you can contact us at:

By email: info@el3mentapp.com

By written correspondence:

215 Maple Hill Rd, Gladwyne, PA 19035