

Acknowledgement of Electronic Communication, Identity, and Content Laws
([Sublicensee Name Here])

1. I am currently the _____ of _____, a(n) _____ (the "**Sublicensee**") and am duly authorized by the Sublicensee to give this Acknowledgement for the Sublicensee.

2. The Sublicensee entered into a sublicense agreement with Cole Information, a **Nebraska** corporation ("**COLE**"), dated on, or about, the date of this Acknowledgement below (the "**Sublicense Agreement**"). Under the Sublicense Agreement, COLE licensed to the Sublicensee certain information (including personally identifiable information) concerning businesses, consumers, or both, including names, addresses, land line and mobile phone numbers (including, in particular, e-mail addresses and IP addresses), and other information, owned, or licensed, by COLE, COLE's affiliates, or third-parties (collectively, the "**Data**").

3. The Sublicensee acknowledges the significance of, and affirms Sublicensee's duty to strictly comply with, applicable law affecting the maintenance, security, and use of the Data (regardless of whether in effect on the date of this Acknowledgement or becoming effective after the date of this Acknowledgement), including, but *not* limited to, laws affecting use of the Data in connection with solicitation, analysis, or both, using one or more of the following: land line number, mobile phone number, e-mail address, internet protocol address (a/k/a "IP address"), and so-called "social media" account information (e.g., Facebook, twitter) (collectively, "**Protected Information**", and those laws collectively, "**Electronic Communication, Identity, and Content Laws**"). Electronic Communication, Identity, and Content Laws include, but are *not* limited to:

- (a) International treaties and foreign, federal, state, and local laws, regulations, and judicial and administrative decisions: (i) establishing so-called lists that identify select Protected Information, and (ii) impose restrictions, or prohibitions, on the use of Protected Information.
- (b) International treaties and foreign, federal, state, and local laws, regulations, and judicial and administrative decisions: (i) establishing so-called lists that identify *consumer* Protected Information and (ii) impose restrictions, or prohibitions, on use of—directing communications using, or to—the addresses, destinations, or accounts identified in that Protected Information.
- (c) International treaties and foreign, federal, state, and local laws, regulations, and judicial and administrative decisions, that restrict, or prohibit, the use or deployment of *consumer* Protected Information in social media.
- (d) International treaties and foreign, federal, state, and local laws, regulations, and judicial and administrative decisions affecting: (i) the maintenance and security of Protected Information and (ii) response to breach of that security, including but *not* limited to, notification of private individuals and organizations, and government agencies of a breach.
- (e) The *non-exclusive* list of select Electronic Communication, Identity and Content Laws attached as **Exhibit 3(e)** to this Acknowledgement.

4. The Sublicensee acknowledges that:

- (a) COLE has *not* provided legal advice to the Sublicensee in this Acknowledgement, or in any other communication, about the use of Protected Information or compliance with Electronic Communication, Identity, and Content Laws.
- (b) This Acknowledgement is *exclusively* for the purpose of ensuring that the Sublicensee acknowledges: (i) the existence of Electronic Communication, Identity, and Content Laws and that they affect Sublicensee may use the Data, particularly in soliciting consumers and in social—and other communications—media, and (ii) that the Sublicensee's failure to comply with Electronic Communication, Identity, and Content Laws may subject to COLE, COLE's affiliates, or others, to liability to third-parties.
- (c) COLE has urged the Sublicensee to consult with Sublicensee's own lawyers about Electronic Communication, Identity, and Content Laws, compliance with Electronic Communication, Identity, and Content Laws, and the consequences to the Sublicensee, and others, of the Sublicensee's failure to comply with all Electronic Communication, Identity, and Content Laws.
- (d) Under the Sublicense Agreement, the Sublicensee is obliged to defend *and* indemnify COLE, COLE's affiliates, and other third-parties, against claims arising from, related to, or connected with, the Sublicensee's failure to comply with Electronic Communication, Identity, and Content Laws.

Exhibit 3(e)

Schedule of Select Electronic Communication, Identity, and Content Laws

The following is a *non-exclusive* list of Electronic Communication, Identity, and Content Laws. Electronic Communication, Identity, and Content Laws also include other international treaties and foreign, federal, state, and local laws, regulations, and judicial and administrative decisions that are *not* identified below.

1. **Select Federal laws:**

- (a) Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003, “CAN-SPAM Act”, as amended, 15 U.S.C. § 7701 *et seq.*
- (b) Federal Trade Commission CAN-SPAM Rule, 16 C.F.R. § 316 *et seq.*

2. **Select State Laws:**

- (a) **Alaska:** Alaska Stat. § 45.50.479
- (b) **Arizona:** Ariz. Stat. § 44-1372, *et seq.*
- (c) **Arkansas:** Ark. Code, Title 4, Chapter 88, Subchapter 6 (§§ 601-607)
- (d) **California:** Calif. Bus. & Prof. Code § 17529, *et seq.*; §17538.45; and §§ 22948 - 22948.3
- (e) **Florida:** Fla. Stat. §§ 668.60 – 668.610
- (f) **Illinois:** 740 ILCS 7/1 *et seq.* (Anti-Phishing Act); 815 ILCS 511/1 *et seq.* (Electronic Mail Act)
- (g) **Michigan:** Michigan Compiled Laws §§ 445.2501-445.2508 (Unsolicited Commercial Email Protection Act)
- (h) **Nevada:** Nev. Stat. § 41.705, *et seq.*
- (i) **North Carolina:** N.C. Gen. Stat. §§ 1-539.2A, 14-453, and 14-458 (computer trespass)
- (j) **Ohio:** Ohio Rev. Code § 2307.64, also *Ferron v. EchoStar Satellite*, 727 F. Supp. 2d 647 (S.D. Ohio 2009); Ohio Rev. Code § 2319.421
- (k) **Texas:** Tex. Bus. & Com. Code §§ 321.001, 321.051, 321.052, 321.053, 321.101 *et seq.*; §§ 322.001 *et seq.* (Uniform Electronic Transactions Act); §§ 323.001-323.003; §§ 324.001 *et seq.* (Consumer Protection Against Computer Spyware Act); §§ 324.051-324.055, 324.101, 324.102
- (l) **Virginia:** Va. Code §§ 8.01-40.1, 18.2-152.2, 18.2-152.3:1, 18.2-152.4, 18.2-152.1

Acknowledgment of Telemarketing Communication, Identity, and Content Laws

1. I am currently the _____ (the "Customer") and am duly authorized by the Customer to give this Acknowledgement for the Customer.
2. The Customer entered into an Acknowledgement with Cole Information ("Cole"), dated on, or about, the date of this Acknowledgement below (the "Acknowledgement"). Under the Acknowledgement, Customer purchased from Cole certain information (including personally identifiable information) concerning businesses, consumers, or both, including names, addresses, telephone numbers (including, in particular, wireless telephone numbers), e-mail addresses, and other information, owned, or licensed, by Cole, Cole's affiliates, or third parties (collectively, the "Data").
3. The Customer acknowledges the significance of, and represents and warrants that Customer will strictly comply with, all applicable laws affecting the maintenance, security, and use of the Data (regardless of whether in effect on the date of this Acknowledgement or becoming effective after the date of this Acknowledgement), including, but not limited to, laws affecting use of the Data in connection with solicitation using telephonic or other media (collectively, "Telemarketing Laws"). Telemarketing Laws include, but are not limited to:
 - (a) International treaties and foreign, federal, state, and local laws, regulations, and judicial and administrative decisions (i) establishing so-called "Do-Not-Call" lists that identify select telephone numbers, and (ii) impose restrictions, or prohibitions, on making calls to select telephone numbers, some imposing special restrictions, or prohibitions on calling wireless telephone numbers.
 - (b) International treaties and foreign, federal, state, and local laws, regulations, and judicial and administrative decisions (i) establishing so-called "Do-Not-Call" lists that identify select telephone numbers, or other communications devices, and (ii) impose restrictions, or prohibitions, on directing fax transmissions, text transmissions (e.g., SMS), multimedia messaging (e.g., MMS) transmissions, or transmissions using other media, to select telephone numbers, or other communications devices, some imposing special restrictions, or prohibitions, on transmissions to wireless telephone numbers or mobile communications devices.
 - (c) International treaties and foreign, federal, state, and local laws, regulations, and judicial and administrative decisions, that restrict, or prohibit, the making of predictive dialed, or pre-recorded, telephone calls to select telephone numbers, or other communications devices, some imposing special restrictions, or prohibitions, on such calls to wireless telephone numbers.
 - (d) International treaties and foreign, federal, state, and local laws, regulations, and judicial and administrative decisions, that restrict, or prohibit, email or text messages or similar communications.
 - (e) The non-exclusive list of select Telemarketing Laws identified on the Schedule of Select Telemarketing Laws attached as Exhibit 3(e) to this Acknowledgement.
4. The Customer acknowledges that:
 - (a) Cole has not provided legal advice to the Customer in this Acknowledgement, or in any other communication, about the Telemarketing Laws or any other law.
 - (b) This Acknowledgement is exclusively for purpose of ensuring that the Customer acknowledges the existence of the Telemarketing Laws because the Customer's failure to comply with the Telemarketing Laws may subject to Cole, Cole's affiliates, or others, to liability to third parties.
 - (c) Cole has urged the Customer to consult with Customer's own lawyers about the Telemarketing Laws, compliance with the Telemarketing Laws, and the consequences to the Customer, and others, of the Customer's failure to comply with the Telemarketing Laws.
5. Customer agrees to indemnify, defend, and hold harmless Cole, Cole's affiliates, and other third parties, against any and all claims, causes of action, judgments, demands, damages, losses or liabilities, including costs and expenses (including reasonable attorneys' fees) arising from, related to, or connected with, the Customer's failure to comply with the Telemarketing Laws. Customer agrees to indemnify, defend, and hold harmless Cole, Cole's affiliates, and other third parties, from any of the above claims, causes of action, judgments, demands, damages, losses or liabilities, costs, expenses and attorney's fees,

whether these claims be based upon alleged intentional conduct, negligence, contribution, indemnification, strict, or product liability.

The following is a non-exclusive list of laws, regulations, and judicial or administrative decisions that the Customer recognizes as **Telemarketing Laws**. Telemarketing Laws also include other international treaties and foreign, federal, state, local laws, regulations, and judicial and administrative decisions that are not identified below.

Select Federal laws:

(m) The Telephone Consumer Protection Act, 47 U.S.C. § 227 and regulations promulgated there under, e.g., 47 C.F.R. § 64.1200(a)(1)(iii) .

(n) The Federal Communications Commission's response to the request of ACA International for Clarification and Declaratory Ruling, 23 FCC Record 559 (December 28, 2007).

(o) The Federal Trade Commission Act and the Federal Trade Commission's Telemarketing Sales Rule ("TSR"), 16 C.F.R. Part 310 (identifying and prohibiting abusive telemarketing acts or practices, including calling telephone numbers identified in the federal Do-Not-Call list).

(p) The Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 ("CAN-SPAM").2.

Select State Laws:

(a) Alabama: Ala. Code § 8-19C-1, et seq.

(b) Alaska: Alaska Stat. § 45.50.475.

(c) Arizona: Ariz. Stat. § 44-1271, et seq.

(d) Arkansas: Ark. Code § 4-99-101, et seq.

(e) California: Calif. Bus. & Prof. Code § 17590, et seq.

(f) Colorado: Colorado Statutes § 6-1-301, et seq., § 6-1-901, et seq.

(g) Connecticut: Conn. Stat. § 42-284, et seq.

(h) Florida: Fla. Stat. § 501.059.

(i) Georgia: Ga. Code. § 46-5-23 to § 46-5-24; § 46-5-27.

(j) Idaho: Idaho Code § 48-1001, et seq.

(k) Illinois: 815 ILCS 413/1 et seq.; 815 ILCS 402/1, et seq .

(l) Indiana: Ind. Code § 24-4.7-1-1, et seq.

(m) Kansas: Kan. Stat. § 50-670, et seq.; Kan. Stat. § 50-671, et seq.

(n) Kentucky: Ky. Stat. § 367.461, et seq.

(o) Louisiana: La. Rev. Stat. § 45.844.1, et seq.; § 45.844.4, et seq.; § 45.844.11, et seq.; § 45.844.31, et seq.

(p) Maine: 10 Me. Rev. Stat. § 1498, et seq.; 32 Me. Rev. Stat. § 14716.

(q) Massachusetts: Mass. Gen. Laws ch. 159C, § 1, et seq.; 201 C.M.R. 12.01, et seq.

(r) Michigan: Mich. Comp. Laws § 445.111, et seq.

- (s) Minnesota: Minn. Stat. § 325E.311, et seq.
- (t) Missouri: Mo. Stat. §§ 407.1070, et seq.; 407.1095, et seq .
- (u) Montana: Mont. Code §§ 30-14-1401, et seq.; 30-14-1601, et seq .
- (v) Nebraska: Neb. Stat. § 86-212, et seq.; § 86-236, et seq .
- (w) Nevada: Nev. Stat. § 228.500, et seq.
- (x) New Hampshire: N.H. Rev. Stat. § 359-E:1, et seq.
- (y) New Jersey: N.J. Stat. §§ 56:8-120, et seq.; 56:8-130, et seq .
- (z) New Mexico: N.M. Stat. § 57-12-22.
- (aa) North Carolina: N.C. Gen. Stat. § 75-100, et seq.
- (bb) North Dakota: N.D. Code § 51-28-01, et seq.
- (cc) Ohio: Ohio Rev. Code § 109.87; Ohio Rev. Code § 4719.01, et seq .
- (dd) Oklahoma: 15 Okla. Stat. §§ 775A.1, et seq.; 775B.1, et seq ., 776.20 et seq.
- (ee) Oregon: Oreg. Rev. Stat. 646.551, et seq.; 646.561, et seq .
- (ff) Pennsylvania: 73 Penn. Stat. § 2241, et seq.
- (gg) South Dakota: S.D. Stat. §§ 49-31-1, et seq.; 49-31-101, et seq .
- (hh) Tennessee: Tenn. Code § 65-4-401, et seq.
- (ii) Texas: Tex. Bus. & Com. Code §§ 301.001, et seq.; 302.001, et seq.; 303.001, et seq.; 304.001, et seq.; 305.001, et seq.
- (jj) Utah: Utah Code §§ 13-25a-101, et seq.; 13-26-1, et seq.
- (kk) Vermont: 9 V.S.A. § 2464, et seq.
- (ll) Virginia: Va. Code §§ 59.1-510, et seq.; 59.1-518.1, et seq .
- (mm) Wisconsin: Wis. Stat. § 100.52, et seq.
- (nn) Wyoming: Wyo. Stat. § 40-12-301, et seq.