

# Subpoena Policy

Sublime IP's Privacy Policy prohibits the release of client or account information without express permission from the client, except when required by law.

If you seek the identity or account information of a client of Sublime IP in connection with a legal matter, you must serve the relevant Sublime IP entity with a valid court order at its registered office address. You should confirm our current registered office address with the Australian Securities and Investments Commission (ASIC) to ensure your subpoena is validly executed.

Unless an applicable law prevents us from doing so, we will upon the receipt of a court order, inform the client whose information is sought (where applicable).

## Fees for Compliance

Sublime IP will charge the entity that is submitting the court order for costs associated with compliance. If you expect to be reimbursed by a third party for our fees and costs, we do not have any recourse against that third party so we must look to the issuing party for payment, even if payment to the issuing party is delayed the third party fails to pay.

Payment must be made within fourteen (14) days from the date of receipt of the Sublime IP invoice. Sublime IP accepts local payment methods and local currencies in approximately 80 countries. Payment instructions will be provided on our invoice.

## Matters with Australian jurisdiction

Sublime IP compliance costs are as follows:

Research, response costs and administrative time	\$28.00 per 15 minutes or part thereof
In-person appearance fees; Technical services	\$112 to \$440 per hour, depending on staff level (minimum 1 hour, thereafter in 15 minute intervals)
Travel expenses	The greater of \$3.30 per kilometre or actual cost + 10%
Travel and waiting time	\$28.00 per 15 minutes or part thereof
Black and white printed pages including photocopies (A4)	\$0.50 per page
Full colour printed pages including photocopies (A4)	\$2.50 per page
Postage and courier costs	Actual cost + 10% handling fee

## **Legal Expenses**

We may seek legal advice that relates to the court order. Any fees incurred in this process will be passed on to the issuing entity at cost.

As a matter of policy, we seek clearance from our external lawyers prior to releasing any information under subpoena. For straightforward matters this can be conducted by telephone and is generally a quick process and may not involve an additional fee.

More detailed legal advice will be chargeable at the rates of our lawyers. In Australia, our legal affairs are generally handled by Middletons Lawyers while internationally we retain Squire, Sanders & Dempsey.

## **Cost Estimates**

We may at our discretion, or at your request, issue a cost estimate prior to complying with the court order, particularly if we expect our costs to comply will exceed \$2,500.

If the matter progresses beyond the initial estimate we will notify you and provide you with a revised estimate. Our actual fees and costs may differ from our estimate if the scope or nature of the matter or of our role changes or unforeseen circumstances arise. You should therefore view our estimate as our best guess, based on any assumptions given, of our likely costs. Any estimated provides are not quotations.

## **Goods and Services Tax**

Where applicable, sales tax (such as Australian Goods and Services Tax (GST) or European Value Added Tax (VAT)) will added to our invoices at the prevailing rate. A valid invoice will be issued by the relevant Sublime IP entity in compliance with the law of the jurisdiction where it is domiciled.

## **Currency**

All monetary amounts in this document are denoted in Australian Dollars (AUD) unless otherwise noted. If we incur costs in a foreign currency, these will be handled in accordance with our Forex Policy available on our web site at [http://www.sublimeip.com/legal/terms/Sublime\\_IP\\_Forex\\_Policy.pdf](http://www.sublimeip.com/legal/terms/Sublime_IP_Forex_Policy.pdf)

## **E-mail and electronic communications**

Sublime IP operates services from in excess of 40 countries. Different countries have significant differences in terms of laws regulating data protection, privacy, and freedom of expression.

Electronic mail and other stored communications held by Sublime IP on its own behalf as well as for clients may be subject to the laws of jurisdictions where the communications are stored. Our primary

electronic mail processing site is located in Amsterdam, The Netherlands. In some circumstances we also process some electronic mail from additional jurisdictions, including but not limited to Australia (New South Wales), the USA (California, Illinois and Virginia), Japan (Shinagawa-ku, Tokyo).

### **Original Documents**

Sublime IP maintains a paperless, electronic filing system. As a result we are generally unable to produce original documents under subpoena. Original documents are incorporated into Sublime IP's "DocStore" image database, following which we securely destroy the originals. For any relevant documents requested under subpoena we will produce a printed copy of the electronically stored image of the original documents.

Sensitive or aged documents may be stored securely off-site and may involve additional expenses for retrieval. Most document types are also stored encrypted by public key cryptographic algorithms and will require the intervention of one or more senior staff in order to be decrypted.

### **Supporting Documentation**

Sublime IP reserves the right to request a copy of the complaint and any supporting documentation that demonstrates how Sublime IP services (or server) relates to the pending litigation and the underlying subpoena or court order.