

Regulations of Use of the Certification Mark

1. Applicant / Owner of the Mark

MyMicrobiome Aktiengesellschaft
Alte Churerstrasse 45
FL-9496 Balzers
Liechtenstein
(hereinafter referred to as “MyMicrobiome”)

2. Declaration

MyMicrobiome hereby declares that it does not carry on a business involving the supply of goods of the kind certified.

3. Representation of the Certification Mark (hereinafter referred to as “the Certification Mark”)



4. The Goods Covered by the Certification Mark

Class 1:

Chemical, biochemical and biological agents, substances, preparations and reagents for use in the food, cosmetics, health care, personal hygiene care, pharmaceutical, feed, textile care, leather care and home care industry; detergents for use in the food, cosmetics, health care, personal hygiene care, pharmaceutical, feed, textile care, leather care and home care industry; detergents for use in manufacturing processes and for industrial purposes; chemical, biochemical and biological agents, substances, preparations and reagents for use as food additives; chemical, biochemical and biological agents, substances, preparations and reagents for use as additives and ingredients for medicines, pharmaceutical preparations, bandages and plasters, cosmetics, perfumery, personal and beauty care products, food supplements, food, beverages and detergents; chemical, biochemical and biological compounds for use in the manufacture of cosmetics; chemical, biochemical and biological additives and supplements for the production of personal and beauty care products, cosmetics, perfumery, medicines, pharmaceutical preparations, food supplements, food, beverages, bandages and plasters, and sanitary products; chemical, biochemical and biological agents, substances, preparations and reagents for use in the manufacture of cosmetics, medicines, pharmaceutical preparations, personal and beauty care products, perfumery, detergents, food supplements, food, beverages and in animal feed; chemical, biochemical and biological raw materials for the preparation of cosmetics, medicines, pharmaceutical preparations, body and beauty care products, perfumery, detergents and food supplements; antioxidants for the manufacture of cosmetics, food supplements, medicines, pharmaceutical preparations, food and beverages; chemical, biochemical and biological agents, substances, preparations and reagents for commercial purposes for the manufacture of preservatives; chemical, biochemical and biological agents, substances, preparations and reagents for food preservation and for the preservation of food supplements, medicines, pharmaceutical preparations, cosmetics, perfumery, body and beauty care products and detergents; chemical, biochemical and biological agents, substances, preparations and reagents for preserving the freshness of food, in particular fruit and vegetables; anti-aging agents for use in the cosmetics, health care and pharmaceutical industry; antimicrobial preservatives for use in the manufacture of medicines, pharmaceutical preparations, bandages and plasters, cosmetics, perfumery, personal and beauty care products and detergents; chemical, biochemical and biological agents, substances, preparations and

reagents with antimicrobial properties, except for medical or veterinary purposes; ingredients in the manufacture of cosmetics; preservatives for medicines, pharmaceutical preparations, bandages and plasters, food, beverages, animal feed, cosmetics, perfumery, body and beauty care products and detergents; ferments for chemical purposes; ferments for the manufacture of personal and beauty care products, cosmetics, perfumery and sanitary products; proteins for the manufacture of personal and beauty care products, cosmetics, perfumery and sanitary products; UV-absorbing agents for use in the manufacture of cosmetic products; milk ferments for industrial purposes, for the cosmetics industry and for the food industry; chemical, biochemical and biological compounds, agents, substances, preparations and reagents for use in the manufacture of food and beverages; bacterial reagents, other than for medical or veterinary use; bacterial preparations for use in the food, cosmetics, health care, personal hygiene care, pharmaceutical, feed, textile care, leather care and home care industry; preparations of microorganisms, other than for medical and veterinary use; chemical, biochemical and biological agents for impregnating textiles, leather and footwear.

Class 3:

Essential oils and aromatic extracts; ethereal essences; aloe vera preparations for cosmetic purposes; soaps, shower soaps, in particular deodorizing soaps; hand cleanser and hand washing agents; cosmetics; perfumery, in particular fragrances; body and beauty care products, in particular creams, scrubs, lotions, serums, oils, in particular eye cream, eye gel, eye gel pads, eye fluid, eye serum, eye roll-on, facial cream, facial masks, facial emulsion, facial fluid, facial oil, facial care, facial cleansing, body creams, body oil, body lotion, skin lotion, facial serum, body serum, hand cream, hand lotion, foot cream, foot care products, lip care, lip balm, lip balsam, deodorants, antiperspirants, oils for intimate care and cleansing; body cleansing agents, in particular shower gel, cleansing lotion, shower oil, cleansing milk, cleansing oil, cleansing foam, cleansing wipes, cleansing powder, cleansing lotion, facial wipes, make-up remover, cleansing fluid, facial cleansing gel; sunscreen and tanning creams and lotions, in particular sunscreen cream, sun oil, sun cream, sun lotion; hair care and shampoo preparations, in particular hair shampoo, hair masks, hair conditioners, scalp care preparations, shampoos, instant hair masks, hair oils, hair spray, dry shampoo; skin, eye and nail care preparations; oral hygiene preparations; breath freshening sprays, oral care preparations, not for medical purposes, in particular oral care, oral sprays, dentifrices in the form of chewing gum, mouthwash, mouth rinse; dentifrices, in particular tooth whiteners, toothpaste, tooth cleaning preparations, tooth cream; vaginal rinses for intimate cleansing or deodorizing purposes, vaseline for cosmetic purposes; non-medicated nasal cleansing and care preparations in the form of nasal oils, sprays, creams and drops; cosmetics for children; cosmetic skin care preparations; make-up; almond milk for cosmetic purposes; almond oil for cosmetic purposes; almond soap; depilatory preparations; shaving preparations; shaving soap; rose oil for cosmetic purposes; make-up preparations; make-up powder; beauty masks; bath and shower preparations for cosmetic purposes; bath salts; cleaning and fragrancing preparations; laundry preparations; commercial laundry detergents; washing preparations for household purposes; washing agents for textiles; cleaning preparations for fabrics; substances for laundry use; rinsing agents for laundry; fabric softeners; laundry bleach; laundry blueing.

Class 5:

Sanitary preparations for medical purposes, in particular anti-microbial mouth washing preparations, skin disinfectants and antiseptics, skin and hair care preparations for medical purposes; medicated and sanitizing soaps and detergents; disinfectant soaps; medicinal soaps; disinfectants; dietetic food and dietetic substances adapted for medical and veterinary purposes; infant formula; dietary supplements and dietetic preparations for humans and animals; dental preparations and agents and medicated dentifrices; deodorizers and air purifying preparations; pharmaceuticals and natural remedies; eye drops, bandages, covering materials and plasters, vaseline for medical or veterinary purposes; milk ferments for pharmaceutical purposes; milking grease; protein dietary supplements; dietary supplements with a cosmetic effect; pharmaceutical preparations, in particular for skin care, for the treatment of sunburn and for the treatment of dandruff; infant food; sunburn ointments; thermal water; tinctures for medical purposes; vitamin preparations; preparations of microorganisms for medical or veterinary use; agents of microorganisms for medical or veterinary use.

Class 29:

Processed, preserved, frozen, dried, cooked and fermented fruit and vegetables, in particular sauerkraut, tempeh, kimchi and miso soup; jellies, jams, compotes, fruit and vegetable spreads; milk and milk products, in particular cheese, yoghurt, kephir [milk beverage], quark, whey and their substitutes, in particular soya milk, rice milk, almond milk and coconut milk; edible oils and fats.

5. Ownership of the Certification Mark

The Certification Mark is the property of MyMicrobiome and cannot be used by any person except under and by virtue of a Certificate issued under these Regulations.

6. Administration of the Certification Mark

6.1 The power of administrating, issuing, renewing, withdrawing and cancelling a Certificate is vested in MyMicrobiome.

6.2 MyMicrobiome's contact details are:

Attention: Dr. Kristin Neumann
Address: Alte Churerstrasse 45
Telephone: +423 384 18 85
Email: info@microbiome-friendly.com
Website: www.mymicrobiome.info

6.3 Application for a Certificate

Any entity seeking to use the Certification Mark (hereinafter referred to as an "Applicant") shall make a request to MyMicrobiome in writing in the manner described at paragraph 10.

6.4 Amendment to the Regulations

MyMicrobiome may amend and review these Regulations from time to time to determine its efficiency and effectiveness in guiding the correct usage of the Certification and the efficiency and effectiveness with which the Regulations are administered.

7 The Characteristics of the Goods to be Certified by the Certification Mark

The Certification Mark certifies that the goods upon which the Certification Mark is used are microbiome friendly, in particular do not have a negative impact on the microbiome of the relevant body area, are not endogenously contaminated, do not have a negative impact on the vitality and biodiversity of the microbiome.

8 The Conditions Governing the Use of the Certification Mark, including Sanctions

8.1 The Certification Mark may only be used for goods:

- (a) which have been certified as microbiome friendly due to the laboratory tests described at paragraph 10; and
- (b) for which MyMicrobiome has granted the right to use the Certification Mark in writing.

8.2 Any entity seeking to use the Certification Mark acknowledges and agrees that:

- (a) they are solely responsible (at their own expense) to ensure that the goods on which the Certification Mark is used complies with the above conditions and these Regulations; and
- (b) they will not use the Certification Mark for any goods which do not comply with the above conditions and these Regulations.

8.3 Violations against these Regulations and unauthorised use of the Certification Mark will be sanctioned with the withdrawal of the right to use the Certification Mark and damage claims.

9 The Persons Authorised to Use the Certification Mark

The Certification Mark may only be used by such entities (hereinafter referred to as an "Authorised User") for the goods manufactured by them (including contract manufacturing):

- (a) which have been certified by MyMicrobiome's laboratory tests in accordance with paragraph 10; and
- (b) for which MyMicrobiome has granted the right to use the Certification Mark in writing.

10 Method of Testing, Reviewing of the Requirements for the Use of the Certification Mark and the Supervision of the Use of the Certification Mark

10.1 The laboratory tests with respect to the microbiome friendliness will be conducted by authorised laboratories in the name of, and for, MyMicrobiome under the supervision and control of MyMicrobiome and the respective Certificate will be issued by MyMicrobiome as follows:

- (a) MyMicrobiome has established laboratory test standards (hereinafter referred to as "MyMicrobiome Standards") in order to evaluate various goods, including but not limited to consumer end products as well as additives and ingredients thereto, that come into contact with the human body either outside or inside, in particular with respect to the human skin, scalp, mucous membrane, vaginal tract and/or digestive tract, in terms of their influence on the key microorganisms of the microbiome located at or in that specific body area, body part and/or inner organ (e.g. digestive tract).

An intact microbiome has fundamental influence on the human health. Goods which are to be friendly to the respective body area, body part and/or inner organ (e.g. digestive tract) must be microbiome-friendly in order not to unbalance the respective body area / body part / inner organ of the user of said goods.

The laboratory tests according to the MyMicrobiome Standards evaluate the influence of goods on the microbial key players of a specific human body area / body part / inner organ, respectively. Although the human microbiome is individual from person to person, each human body area / human inner organ, however, harbors a characteristic composition of bacteria, viruses and fungi. The laboratory tests examine the goods' influence on the key microorganisms typical for each specific human body area / body part / inner organ (e.g. digestive tract) applying specific standardized laboratory test procedures, i.e. the MyMicrobiome Standards.

- (b) The laboratory tests will be performed only by authorised laboratories, that specialize in microbiological tests and that are specially selected and contracted by MyMicrobiome to perform the laboratory tests in the name of and for MyMicrobiome in accordance with the MyMicrobiome Standards. The laboratory tests will be performed by authorised laboratories under direct supervision of a qualified microbiologist, a qualified biologist and/or a medical doctor specializing in microbiology in strict accordance with the MyMicrobiome Standards. Compliance with the MyMicrobiome Standards in performing the laboratory tests by the authorised laboratories will be monitored and reviewed by the test director at MyMicrobiome being a qualified microbiologist, a qualified biologist and/or a medical doctor specializing in microbiology.
- (c) The test results obtained by the authorised laboratory in the performance of the laboratory tests in accordance with the MyMicrobiome Standards will be evaluated by MyMicrobiome under the supervision of MyMicrobiome's test director ("Test Director"), being a qualified microbiologist, a qualified biologist and/or a medical doctor specializing in microbiology. Based on the evaluated test results, the grading will be made by MyMicrobiome under the supervision of MyMicrobiome's Test Director in accordance with the MyMicrobiome Standards. The grading will be made on several aspects of the evaluated test results separately with grades from 1 to 3, with grade 1 being the best possible result. Based on the gradings awarded on the individual aspects, an overall grade will be made by MyMicrobiome under supervision of MyMicrobiome's Test Director. The tested goods have passed the laboratory tests with an overall grade up to grade 2,0 (hereinafter referred to as "Successfully Tested") and will be granted with a certificate (hereinafter referred to as "Certificate") by MyMicrobiome confirming that the tested good is microbiome-friendly (hereinafter referred to as "Certified").
- (d) Use of the Certification Mark is only permitted for respectively Successfully Tested and Certified goods as set forth above and only under the terms and conditions of this Regulations and under the terms and conditions of the Testing and Seal of Quality License Agreement between the Applicant and the manufacturer.

- (e) MyMicrobiome may amend and review the MyMicrobiome Standards from time to time to determine its up-to-datedness and compliance with the newest scientific state of the art with respect to the human microbiome.
- 10.2 Use of the Certification Mark is only permitted for respectively Successfully Tested and Certified goods subject to the following: Any Applicant wishing to obtain a certificate to use the Certification Mark should contact MyMicrobiome in writing, via e-mail or phone to MyMicrobiome's contact details set forth above in paragraph 6.2:
- (a) informing MyMicrobiome of its intention to obtain a certificate to use the Certification Mark;
 - (b) seeking laboratory testing of its goods for Certification according to the MyMicrobiome Standards, the cost of which will be borne by the Applicant;
 - (c) seeking grant of use of the Certification Mark for its Successfully Tested goods on payment of a Certification Mark licensing fee; and
 - (d) entering into a Testing and Seal of Quality License Agreement with MyMicrobiome further specifying the procedures, requirements and details for the laboratory tests and the use of the Certification Mark.
- 10.3 The Certification Mark may only be used for goods having the exact formula / composition and field of use as the respective Successfully Tested and Certified good. In case of any changes to formula / composition or field of use of these goods, the Authorised User is obliged to refrain from using the Certification Mark for such changed goods.
- 10.4 MyMicrobiome may randomly test if the goods marked with the Certification Mark have been Successfully Tested with respect to their microbiome friendliness and have been Certified as being microbiome friendly.
- 10.5 MyMicrobiome will pursue information about non-compliance with the requirements and unauthorised use of the Certification Mark. All Authorised Users of the Certification Mark agree to cooperate with MyMicrobiome and to inform MyMicrobiome of any infringements, imitations or other illegal use or misuse of the Certification Mark which comes to the Authorised Users' attention.
- 10.6 MyMicrobiome keeps a list of all Successfully Tested goods and monitors these goods continuously with respect to the compliance with the requirements and authorised use of the Certification Mark. In particular, MyMicrobiome continuously surveys goods which have been Successfully Tested and Certified and bearing the Certification Mark for any changes to the formula / composition and/or the field of use (e.g. for vaginal tract instead for face). This will be made by checking the list of ingredients printed on the outer packaging and/or the field of use indicated on the outer packaging of goods bearing the Certification Mark and/or advertised using the Certification Mark. Such listing, monitoring and surveying will be made by MyMicrobiome under the responsibility and supervision of MyMicrobiome's Test Director.
- 10.7 Further, MyMicrobiome may randomly test goods available on the market which are bearing the Certification Mark with respect to their conformity with the formula / composition of the respective Successfully Tested and Certified good. Such laboratory tests will be performed by authorised laboratories selected and contracted by MyMicrobiome in accordance with the MyMicrobiome Standards. Evaluation of the test results and compliance of the tested goods with the formula / composition of the Successfully Tested and Certified goods will be made by MyMicrobiome under the supervision of MyMicrobiome's Test Director.
- 10.8 In addition, MyMicrobiome will pursue information received by third parties about non-compliance with the requirements and unauthorised use of the Certification.
- 10.9 The use of the Certification Mark by an Authorised User is subject to the Authorised User's self-responsibility and mutual market surveillance.

11 Termination of the Use of the Certification Mark

- 11.1 The right to use the Certification Mark for the Successfully Tested and Certified goods will be valid for an unlimited period of time. However, the Authorised Users have agreed to that the Certification Mark may only be used with at least incorporating or otherwise referencing to the respective test date (month / year).
- 11.2 MyMicrobiome may terminate the right to use the Certification Mark immediately on written notice to the Authorised User where an Authorised User breaches these Regulations or the Testing and Seal of Quality Licensing Agreement between MyMicrobiome and the Authorised User, including where:
- (a) the Certification Mark is not used in accordance with these Regulations or the terms of the Testing and Seal of Quality Licensing Agreement between MyMicrobiome and the Authorised User; or
 - (b) the Authorized User fails to pay the Certification Mark licensing fee set out in the Testing and seal of Quality Licensing Agreement between MyMicrobiome and the Authorised User, and the Authorised User fails to remedy the breach within a reasonable period of receipt of notice from MyMicrobiome requiring the breach to be remedied.
- 11.3 Either Party may terminate the right to use the Certification Mark by giving at least three months prior notice to the other Party at the end of each 12-months licensing period in writing.
- 11.4 Use of the Certification Mark must immediately cease upon cancellation or termination of the right to use the Certification Mark.

12 Disputes

- 12.1 In case MyMicrobiome determines an unauthorised use of the Certification Mark, the possible measures and sanctions by MyMicrobiome are inter alia: (i) inquiry on the basis of which circumstances the user considers himself to be entitled to lawfully use the Certification Mark, (ii) request the user to provide information of the scope of the unauthorised use of the Certification Mark, (iii) request the user to cease and desist from any unauthorised use of the Certification Mark, and (iv) request damages relating to any unauthorised use of the Certification Mark.
- 12.2 All Applicants and Authorised Users agree to settle all disputes arising out of or in connection with the laboratory testing, the laboratory test results obtained and/or the use of the Certification Mark (hereinafter referred to as "Relation") exclusively before the ordinary courts. All Applicants and Authorised also agree that their Relation shall be governed and construed in accordance with the laws of Switzerland without regard to the application of the principles of conflict of law. All Applicants and Authorised Users agree that exclusive place of jurisdiction for all disputes arising out of or in connection with their Relation shall be Zurich, Switzerland.