



RealNetworks, Inc., RealNetworks Digital Music of California, Inc. and Listen.com, Inc. Privacy Policy

This document was last updated April 4, 2006.

RealNetworks, Inc., and its subsidiaries RealNetworks Digital Music of California, Inc. and Listen.com, Inc. (collectively, "RealNetworks" or "RN") are committed to protecting the privacy of your personal information. This Privacy Policy explains how RealNetworks collects and utilizes your personal information when you use our products and services, including consumer software, such as the RealPlayer and Rhapsody, subscriptions products such as SuperPass and Rhapsody Unlimited, and commercial online services such as the Real Music Store. Details regarding specific topics may be found via the topic index below.

WHY DO WE COLLECT PERSONAL INFORMATION?

RealNetworks collects personal information to improve the manner by which we operate and offer our products and services, communicate with you about those products and services, and provide effective, timely customer support when needed. We will never rent or sell any of the personally-identifiable information we collect from you to third parties, and will not share your personally identifiable information with third parties without your consent, unless such sharing is necessary for the purposes set forth in this Privacy Policy.

WHAT PERSONAL INFORMATION DO WE COLLECT?

You must open an account or complete an online registration with RealNetworks to download or purchase RealNetworks products and services, including free trials. Information gathered during the registration or account creation process, or during access to particular products and services, may differ based on the nature of the product or service. Information that you provide when registering or creating an account, or accessing or using your account or the RN products or services associated with your account, may include: name and email address; billing information; information concerning software downloaded, products and content purchased, accessed, downloaded and/or burned through RN products or services (including, in the case of music products, tracks streamed, purchased or saved in libraries or playlists); location information (such as zip code or postal code and country); computer configuration (such as operating system, connection speed, and peripherals); the IP Internet (IP) address and URL of the Website that sent you to the RealNetworks registration page; the types of peripherals (including portable media players) used by RealNetworks products on your computer (to ensure that you have access to the latest fixes and patches for full compatibility with these devices); demographic information provided by you (such as language, gender and age, and, if applicable, content preferences and personalization information); and whether you logged into or out of a RealNetworks service, or changed your password or billing information.

We will not sell, rent or otherwise distribute your personally identifiable information to third parties without your consent, except as set forth below.

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HOW DO WE KEEP YOUR PERSONAL INFORMATION SECURE?

RealNetworks understands that it is a privilege to have you as a customer and is committed to protecting your personal information. We use the following controls to protect your personal information:

- Use of secure connections using SSL to safeguard information when transmitted from your Web browser to RealNetworks;
- Use of security controls to restrict access to databases housing personally identifying information;
- Use of encryption for sensitive personal information, such as credit card numbers and user names;
- Restrict employee access to databases containing personal information and impose confidentiality requirements upon employees who do; and
- Bind subcontractors with contractual, technical and organizational measures to protect your personal information.

HOW DO WE USE YOUR PERSONAL INFORMATION?

RealNetworks uses your personal information to:

- Deliver to you and bill you for RealNetworks products and services, and communicate with you concerning your account and customer service issues. This may include verifying authorization of credit card usage before any purchase of premium content or services (e.g., for the purposes of access to a free trial, or to the RealPlayer Music Store);
- Verify access rights to premium content or other access-restricted services and software, including for the purpose of supporting digital rights management software;
- Improve our software and services by providing personalized content recommendations, language and location customization, and/or personalized help and instructions;
- Determine if you meet the minimum system requirements to use our products, and provide information concerning compatibility and interoperability to you;
- Track content accesses, downloads and burns for the purpose of paying royalties and license fees to third party providers, such as record labels and other copyright holders and content distributors;
- Ask you to participate in surveys about products, services, news and events;
- Offer you product upgrades, content, services and games for you to purchase;
- Provide you with content, services, instructions, and a more personalized experience based on personal information, such as your language preferences, zip/postal code, country locations, and any content or other preferences you provide;
- Auto-update downloaded RealNetworks products;
- Provide you with news, free newsletters, updates, targeted advertising, promotions, and special offers; and
- Better understand how our products are used, including Web traffic patterns and what types of content are most popular with users of our products and services.

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WHEN AND HOW DO WE SHARE YOUR INFORMATION WITH THIRD PARTIES?

RealNetworks does not use your personal information for purposes incompatible with those listed above. RealNetworks does not sell, rent, or share your personal information to a third party unless you consent to provide such information to a third party partner or content service.

In some cases, access to certain products and services, such as content subscription products or products distributed by third parties may require the provision of personal information to a third party, such as a content provider or distributor. In such cases, this will be stated during the registration process, in the terms of use, through the distribution process, or in a similar manner. The third party's use of such information is governed by that party's privacy policy, and RealNetworks' use is governed by this privacy policy. Please visit the privacy policy of the content partner to make sure you understand how they use the personal information you provide to them. If you do not wish for such a transfer to take place, you should not register for the applicable product or service. Additionally, RealNetworks may be required to provide specific access and usage information to certain content providers and rights holders as a condition of content licensing and royalties. In such cases, RealNetworks may provide content usage, access, demographic and other information without your personally identifiable information (your name, billing information, email address) to the content provider.

RealNetworks may disclose relevant information about our customers to our contractors (e.g. a customer service contractor or a credit card clearing service) in order for them to provide specific services for RealNetworks, and to better serve our customers. RealNetworks' contractors are bound by strict contractual requirements to keep all personal information they process strictly confidential and to use such information solely on behalf of RealNetworks.

Also, RealNetworks may disclose your personal information if required to do so by law or in the good faith belief that such action is necessary to: (a) conform to the edicts of the law or comply with legal process served on RealNetworks; (b) protect and defend the rights or property of RealNetworks and its products; or (c) act in urgent circumstances to protect the personal safety of users of RealNetworks products or the public at large.

RealNetworks Websites and products contain links to other Websites and products. RealNetworks is not responsible for the privacy practices or the content of such Websites or products. Please visit the privacy policies of these third party sites in order to understand their privacy policies and data collection practices.

Obligatory or Optional Nature of the Requested Information

Some of the personal information collected by RealNetworks is necessary to provide you with the RealNetworks product or service you choose and to optimize the delivery of audio and video data to your computer. RealNetworks software may include the opportunity to disable certain software features to increase your level of privacy. However, certain technical information (e.g., zip code, product id, GUID) may be automatically transmitted between networked servers to authenticate access to products and services, enable their delivery, or optimize your media delivery experience.



E-MAIL FROM REALNETWORKS

Registering for a product or service allows you to tell us how or whether you want RealNetworks to communicate with you. Generally, we send e-mail to you about our products, content and special offers. Separate RealNetworks products, services and lines of business may send separate newsletters and marketing emails. During registration, you may opt out of receiving RealNetworks marketing e-mails and/or newsletters for the relevant product or service. Additionally, your online RealNetworks account, accessed through the "My Account" link on www.real.com, and through other links provided in emails and on RealNetworks Web pages, enables you to select whether you wish to receive newsletters, marketing and promotional emails, special offers and the like from various RealNetworks' business lines. However, we may continue to send you e-mail about products or services you have previously purchased (such as an available upgrade that you are entitled to receive), your account status or other information concerning functions, features and status of your RealNetworks products and services, or to inform you about critical technical service issues relating to a RealNetworks product or service.

HOW TO ACCESS AND UPDATE YOUR PERSONAL INFORMATION

To access your account information and preferences, select "Manage My Account" from the menus on either the RealPlayer (in most versions of the RealPlayer, under the "Help" menu) or Rhapsody software. Sign in to your account and modify your information and preferences as needed.

You may also review and update your account on the web at www.real.com or www.rhapsody.com, by selecting "My Account," and logging in using your name and password.

When you access your account by logging in, you can update and/or make sure that your account information is accurate. You can also manage your preferences concerning receipt of newsletters and promotional emails.

If you have forgotten a username or password, you can use our online help resources or contact customer service at: (866) 834-5509 Monday - Friday, 8 am - 5 PM Pacific Standard Time.

SECURITY OF PERSONAL AND PAYMENT INFORMATION

USE OF COOKIES

Like other major Websites, we use cookies to provide you with a tailored experience when visiting our Websites and using our products. We also use cookies to understand traffic patterns on RealNetworks Websites and to authorize access to certain premium or trial content and product features. We treat any personal information that may be contained in cookies with the same level of confidentiality as other information you provide to us.

RealNetworks does not require that you accept cookies, however, some functionality on our Websites, our product purchase check-out process, and products and services may be disabled if you decline to accept cookies. You can set your browser to notify you when you receive a cookie, giving you the chance to decide whether or not to accept it. You may also change your RealPlayer cookie settings through preferences options in our products. For more information on cookies, please click on the Topic Index list of subjects about cookies at the bottom of this page.

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2601 Elliott Ave Seattle, WA 98121
800.444.8011 206.674.2700



CHANGES TO OUR PRIVACY POLICY

We frequently revise this Privacy Policy to keep it up to date with RealNetworks products, services and Web pages. "Updated" may be used to alert users to recent changes and to the date of the last update. We also post FAQ's from time to time on specific products.

NON-US CUSTOMER INFORMATION

If you are a customer who is logging on from outside the United States, the personal information you submit to RealNetworks will be sent to and stored in servers in our U.S. headquarters in Seattle, Washington. The personal information practices set out in this Privacy Policy apply to all RealNetworks' customers worldwide.

RealNetworks has certified its personal information practices with the U.S. Department of Commerce under the Safe Harbor Program to ensure that your personal information is protected adequately. Should you want more information on the Safe Harbor principles, please go to: <http://www.export.gov/safeharbor/>

If you are in the European Union and you choose to purchase RealNetworks' products and services, please be aware that payment for such products and services will be handled by RealNetworks, Inc., E Commerce LL; P.O. Box 91123, Seattle, Washington 98111-9223. The following data may be turned over to this company solely for the purpose of processing the payment transaction: your name, bank account, and amount to be charged. You have a right of access and rectification with regard to such data; to exercise these rights, or for other data privacy questions, please contact/send an email to mprivacy@real.com.

If you are a European resident and your data privacy complaint was not satisfactorily addressed by RealNetworks, you may contact the Direct Marketing Association at:

Safe Harbor Line

Direct Marketing Association
1111 19th Street, NW - Suite 1100
Washington, DC 20036

E-mail: safeharbor@the-dma.org

Web: <http://www.the-dma.org/safeharbor/consumers.shtml>

NO ERROR FREE PERFORMANCE

We customarily release alpha and beta versions of our products, which are further refined before the release of the final "Gold" version. Because these products are still in a test phase, we may not always catch an unintended privacy issue, despite our efforts to do so. As such, we welcome feedback on any privacy concerns you may have, and on how to improve our products generally, in all stages of release. RealNetworks does not guarantee error-free performance under this privacy policy. We will use reasonable efforts to comply with this privacy policy and will take prompt corrective action when we learn of any failure to comply with our privacy policy. RealNetworks shall not be liable for any incidental, consequential or punitive damages relating to this Privacy Policy. This Privacy Policy shall be governed by the laws of the United States.

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CONTACT US ABOUT PRIVACY

If you have questions about the privacy aspects of our products or services or would like to make a complaint, please contact:

Privacy Policy Group

RealNetworks, Inc.

P.O. Box 91123

Seattle, WA 98111-9223

<http://forms.real.com/service/contact/privacy.html>

SPECIFIC TOPICS

For more information concerning specific functionality that may be relevant to privacy issues, go to <http://www.realnetworks.com/company/privacy/index.html>

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