

EMPATHICA WEEKLY SWEEPSTAKES
(the "Sweepstakes")

RELEASE AND DECLARATION OF COMPLIANCE ("Release")

I do hereby declare that I, _____ of _____
(full name)(address)
_____ am a selected entrant
(city)(state)(zip code)

(the "Entrant") in the Sweepstakes. I understand that I will be awarded a prize consisting of US\$500 (the "Prize") if I complete this Release and Declaration of Compliance and otherwise comply with the Sweepstakes Rules, and that at that point I will be a winner (a "Winner").

In consideration of the awarding of the Prize to me, I hereby:

- (a) acknowledge that the Prize is as described in the Sweepstakes Rules (incorporated herein by reference);
- (b) agree that I will accept the Prize as awarded;
- (c) agree to be responsible for all federal, state and local taxes associated with Prize acceptance;
- (d) release, indemnify and hold harmless Empathica Inc. ("Sponsor"); and their respective parents, subsidiaries and affiliates and advertising and promotion agencies; the employees, officers, directors, representatives and agents of each of the foregoing; and the heirs, executors, administrators, personal representatives, successors and assigns of the foregoing (collectively, "Releasees") from any claims, demands, payments, actions, or causes of action for damages, loss or injury, arising as a result of my participating in the Sweepstakes and accepting the Prize, which I or my heirs, executors, administrators, personal representatives or assigns may now or hereafter have against them;
- (e) grant Empathica Inc. and any of Empathica Inc's clients or designees the right to use my name, city of residence and any image taken of me by or on behalf of Empathica Inc. in connection with the Sweepstakes, in any and all media now or hereafter devised without limitation and without additional compensation, notification or permission or other liability to me or my heirs, executors, administrators, personal representatives or assigns; and
- (f) declare that:
 - i) I have read, understood and complied with, and will comply with all the Sweepstakes Rules ;
 - ii) I am a legal resident of either the 50 United States or District of Columbia;
 - iii) I was at least 18 years of age at the time of entry;
 - iv) I nor anyone with whom I live (whether or not related) or any of my immediate family members (spouse, parent, child, sibling or their respective spouses, regardless of where they reside) is an employee, officer, director, representative of Empathica Inc. or any of their respective parents, subsidiaries, affiliates or advertising and promotion agencies; and

- v) the terms of the Sweepstakes Rules and this Release shall apply to and be binding on me and my heirs, executors, administrators, personal representatives and assigns.

- (g) warrant and represent that I have the full right and power to enter into this Release, and that the terms of this document do not in any way conflict with any existing commitment on my part.

- (h) agree that this Release supersedes any prior understandings between me and Sponsor relating to the rights granted herein and no provision of this Release can be modified by any other instrument, invoice or document unless in writing and signed by the parties hereto.

- (i) acknowledge this is a complete RELEASE and DISCHARGE of all claims and rights of the undersigned against the Releasees, and that no action will be taken by or on behalf of the undersigned with respect to any such rights; it being understood that this release shall be binding upon the parents, guardians, heirs, executors, and administrators of the undersigned.

- (j) understand that if any statement made by me in this Release is false or if I am otherwise deemed ineligible or unable to accept the Prize for any reason, then, in addition to any other remedies that may be taken against me, I agree to return to Sponsor the Prize.

- (k) **TAX CERTIFICATION:** Under penalties of perjury, I certify that:
 - (1) The number shown on this form is my correct taxpayer identification number, and
 - (2) I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) The IRS has notified me that I am no longer subject to backup withholding; and
 - (3) I am a U.S. person (including a U.S. resident alien).

Certification Instruction: You must cross out item (2) above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return.

The Internal Revenue Service does not require your consent to any provision of this document other than the certifications required to avoid backup withholding.

Date: _____

 PRINT NAME OF WITNESS

 SOCIAL SECURITY NUMBER

SIGNATURE OF WITNESS

SIGNATURE OF WINNER

PHONE # OF WINNER

SAMPLE

NY554104.2
200736-10014

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