

## **BELOTERO BALANCE® Dermal Filler E-Media Kit Terms of Use**

### **PERMISSION TO USE MERZ AESTHETICS COPYRIGHTED MATERIAL AND TRADEMARKS**

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Merz Aesthetics, Inc. hereby grants to the recipient of this E-Media Kit (hereinafter "Licensee") the non-exclusive right and license to use the Licensed Materials in, and in connection with, programming and content produced by Licensee including, without limitation, its website. Licensee may display the Licensed Material in any media for use in its website. Licensee acknowledges and agrees that all rights to and interest in the Licensed Materials are specifically retained by Merz Aesthetics, Inc.

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This document represents the entire agreement between Licensee and Merz Aesthetics, Inc. with respect to this subject matter. This agreement and all actions related to it shall be governed by the laws of the State of California (excluding any conflicts of laws principles that would require the application of the laws of a different state). Your consent to use of Merz Aesthetics, Inc.'s trademarks, logos and copyrighted materials is subject to your compliance to the guidelines and instructions provided herein.

### **BACKGROUND AND GUIDELINES FOR USE OF**

#### **MERZ AESTHETICS COPYRIGHTED MATERIALS AND TRADEMARKS**

##### **BELOTERO BALANCE® Provider Badge**

The BELOTERO BALANCE® Provider Badge is a great way to show potential patients that you carry BELOTERO BALANCE Dermal Filler. The Provider Badge is delivered to you in the form of HTML code that automatically displays your BELOTERO Provider Status in the form of a branded badge. If you are currently running a Special Offer promotion through the BELOTERO Doc Locator, your badge will display your BELOTERO Provider Status and advertise your special offer. This is a great way to drive patients to your page on the BELOTERO BALANCE website!

## **BELOTERO BALANCE® Before & After Pictures**

Displaying BELOTERO BALANCE® Before & After photos on your website is one of the best ways to show your patients what they can expect when they receive a BELOTERO BALANCE treatment. We have provided you three sets of Before & After photos for you to choose from. Please carefully read the following instructions for properly displaying BELOTERO BALANCE Before & After photos on your website:

- The Before & After pictures may not be altered in any way. This includes:
  - o Cropping
  - o Resizing
  - o Altering the color palate
  - o Adding filters
- The BELOTERO BALANCE Important Safety Information (ISI) must be displayed on the same page as the BELOTERO BALANCE Before & After treatment photos.
  - o It is adequate to post the ISI at the bottom of the page
  - o The BELOTERO BALANCE ISI is included in this kit, titled (BELOTERO BALANCE E-Media Kit ISI)
  - o The ISI fonts and formatting displayed in this file must remain unchanged and intact when transferred to the webpage, and the complete ISI must be displayed

## **BELOTERO BALANCE® Package Photo**

The BELOTERO BALANCE® Package Photo is meant to establish BELOTERO BALANCE brand recognition with your patients, so they know the product they are seeing in your office is the same product they saw online.

## **BELOTERO BALANCE® Brand Logo**

Logos are the most powerful brand asset. Place the BELOTERO BALANCE® Brand Logo on your site to ensure patients recognize it and associate it with other places they have seen the logo. Please carefully read the following instructions for properly displaying the BELOTERO BALANCE Brand Logo on your website:

- The design of the BELOTERO BALANCE Brand Logo may not be modified in any way
- Do not try to recreate the Brand Logo using fonts or images
- The Brand Logo must be used from a digital file
- Incorrect Brand Logo usage:
  - o Do not link any text to the Brand Logo
  - o Do not use more than one Brand Logo per visual surface
  - o Do not use the Brand Logo with, or as part of, another logo or symbol or create a logo-like graphic that competes with the logo

- Do not add a registration or trademark symbol to the Brand Logo
- Do not rotate, invert, spin, stretch, angle, outline or pivot the Brand Logo

### **BELOTERO BALANCE® Product Description**

The BELOTERO BALANCE® Product Description is meant for you to post directly onto your website. The content is accurate, consistent, and relevant to the BELOTERO BALANCE brand message, and is Search Engine Optimized. Please carefully read the following instructions for properly implementing the BELOTERO BALANCE Product Description onto your website:

- The content may not be altered in any way
- The BELOTERO BALANCE Important Safety Information (ISI) must be displayed on the same page as the BELOTERO BALANCE Product Description
  - It is adequate to post the ISI at the bottom of the page
  - The BELOTERO BALANCE ISI is included in this kit, titled (BELOTERO BALANCE E-Media Kit ISI)
  - The ISI fonts and formatting displayed in this file must remain unchanged and intact when transferred to the webpage, and the complete ISI must be displayed

### **BELOTERO BALANCE® Talking Points**

The BELOTERO BALANCE® Talking Points are provided for you to be able to integrate information about BELOTERO BALANCE Dermal Filler into your own written media. It is accurate, consistent, and relevant BELOTERO BALANCE product information. Please carefully read the following instructions for properly incorporating the BELOTERO BALANCE Talking Points within your site content:

- Do not make any product claims that fall outside of the provided talking points
- Do not alter the claims provided
- Provide the appropriate citations when incorporating talking points within your content
- The BELOTERO BALANCE Important Safety Information (ISI) must be displayed on the same page as any content generated from the provided BELOTERO BALANCE Talking Points
  - It is adequate to post the ISI at the bottom of the page
  - The BELOTERO BALANCE ISI is included in this kit, titled (BELOTERO BALANCE E-Media Kit ISI)
  - The ISI fonts and formatting displayed in this file must remain intact when transferred to the webpage, and the complete ISI must be displayed
- See below TRADEMARK AND PRODUCTION GUIDELINES for proper use of the Merz Aesthetics™ and BELOTERO BALANCE trademarks

### **TRADEMARK USE AND PRODUCTION GUIDELINES**

The Merz Aesthetics trademarks are valuable business assets and these guidelines are intended to protect them. In consideration of Merz Aesthetics permitting you to use the Merz Aesthetics trademarks described in these guidelines, and by using those trademarks, you agree to comply with the guidelines described here. Merz Aesthetics gives you permission to use its trademarks only in

connection with your aesthetic medicine practice and not to use these trademarks in any activity which might in any way hurt the reputation of Merz Aesthetics. Should Merz Aesthetics ask you to stop using these marks or to change that use in any way, you agree to comply with that request.

These guidelines and your use of the Merz Aesthetics trademarks and logos do not constitute a partnership, joint venture, or agency relationship between you and Merz Aesthetics. This is the only agreement between you and Merz Aesthetics concerning the Merz Aesthetics marks, and it may not be changed except by a signed written agreement.

If you have any questions or any proposed use that is not covered by these guidelines, please contact the Merz Aesthetics Legal Department. Merz Aesthetics may change these guidelines at any time without prior notice, and may for any reason whatsoever withdraw this permission.

Subject to compliance with the guidelines, you may use the trademarks in the manner authorized by these guidelines.

### **Guidelines**

#### PROPER USE EXAMPLES FOR MERZ AESTHETICS (AND PARTNERS) TRADEMARKS

BELOTERO BALANCE® Dermal Filler (Merz Pharma GmbH & Co. KGaA)  
Merz Aesthetics™ Products (Merz Pharma GmbH & Co. KGaA)

#### GENERAL RULES OF PROPER TRADEMARK USAGE

Trademarks are adjectives. A trademark should be used as an adjective immediately preceding the generic noun that described the related product or service.

Trademarks are not nouns and should not be used alone as a noun. The exception is for use as a company name. For example, when used to refer to the company, Merz Aesthetics may be used as a noun and should not be designated with a trademark symbol ® or ™.

Since a trademark is not a noun, neither the possessive form nor the plural form should be used.

A trademark is also not a verb.

Never change the original appearance of any designs and/or logos. It is important to maintain the original font, proportion and/or color of designs and logos. Trademark symbols should always be used with logos.

Ownership of a trademark should be properly attributed and is generally done in two ways. First, a trademark symbol (™, ®, or ™) is employed after the actual trademark. Second, a trademark legend should be placed at the end of a document or at the bottom of a web page or other media display usually following the copyright notice. An exemplary trademark legend is: "BELOTERO is a registered trademark of Merz Pharma GmbH & Co. KGaA." Certain assets in this E-Media Kit contain

non-Merz trademarks and their trademark legends. Trademark legends for non-Merz trademarks must not be deleted.

The legend must be in a typeface of at least 8 point size.

A trademark symbol should be used for all prominent uses of the trademark, for example, titles, headlines, signage, web site promotions, brochures, marketing materials, press releases, advertising, label, packaging and the like.

A trademark symbol should be used on the first use of the trademark in the text or body copy, even though the symbol may have already been used in the headline or another prominent use.

Trademarks must always be used in a manner that distinguishes them from the rest of the text. After the trademark has appeared in a document using ® or ™, subsequent use of the trademark in the same document does not require use of ® or ™ provided that the trademark is still clearly distinguishable from the surrounding text. This can be achieved by CAPITALIZATION, underlining, using “quotation marks”, boldface type, or *italics*. These rules are not applicable to certain FDA-approved drugs and these exceptions will be noted in the guidelines for the use of such trademarks.

#### REQUIRED TRADEMARK LEGEND

The following trademark legends must be displayed on your website if you utilize any of the assets of the BELOTERO BALANCE® E-Media Kit:

BELOTERO and BELOTERO BALANCE are registered trademarks of Merz Pharma GmbH & Co. KGaA. Merz Aesthetics and the Merz Aesthetics logo are trademarks of Merz Pharma GmbH & Co. KGaA.