

# Kwivrr's Refund Policy

## Refund Policies and Administration

### 1.1 Minimum Requirements

We understand that refund policies vary depending on the type of event and the Creator's. Because of that, we provide flexibility for Creators to post their own policies with respect to their events, so long as they meet the minimum requirements.

- Refund policies must be posted on the applicable event page.
- "No refund" policies are allowed, but must be clearly identified as such and must otherwise comply with these minimum requirements.
- Refund policies (including "no refund" policies) must provide for a refund or other accommodation through which the Creator will "make good" on its obligations to Consumers for failure to provide the advertised goods and services (e.g., event cancellation). If the Creator is offering Consumers a Kwivrr credit or other accommodation through which Creator will "Make good" on its obligations to Consumers in lieu of a purchase price refund, then
  - Such credit or other accommodation must be equal or greater value to the value of the ticket for the cancelled event, and
  - Such value and all terms applicable to such credit or other accommodation (including but not limited to the period in which such credit or other accommodation must be redeemed, if such limitations are permitted by applicable law (as to which Creator bears sole responsibility for compliance) must be clearly communicated to the Consumers.

Further, in the event that the Creator fails for any reason to honor a credit or other accommodation, including without limitation by failing to hold the event(s) for which such credit or other accommodation was redeemed, Kwivrr shall be entitled to exercise all rights granted to it under **Section 4.4** of the Merchant Agreement, including but not limited to the right (but not the obligation) to issue refunds to impacted consumer(s) and collect such sums directly from the Creator;

- Refund policies (including cash or credit refunds) must comply with all applicable local, state, provincial, national and other laws, rules and regulations, including all requirements imposed by Card Schemes or Alternative Form of Payment Frameworks (each as defined in the Merchant Agreement);
- Refund policies must include specific instructions on how to obtain a refund, including how, when and where to direct a refund request;
- Refund policies may not be changed retroactively or to otherwise impact Consumer's entitlement to relief in connection with purchases made prior to the date of such change

and its posting to the applicable event page, unless such changes operate to place impacted Consumers in an equal or better position as they were under the policy in place at the time of purchase. For example, where a Creator has posted a policy under which refunds must be obtained if requested in a specified method or time period, such Creator may not transition to a “No refunds” policy with respect to any purchase already made at the time of such attempted transition. However, where a Creator has posted a “No refunds” policy, such Creator may transition to a policy that allows for refunds with respect to any purchase already made as of the time of such transition;

- Refund policies must set out a specific time frame within which refund requests will be responded to, which should not exceed five (5) business days for a first response; and
- Refund policies must otherwise be fair and reasonable

If a refund policy is not posted or does not meet these minimum requirements set forth above, Kwivrr may (but has no obligation to) modify such refund policy such that it meets these minimum requirements. Such modification may take the form of prospectively making changes to the Creator’s posted refund policy on the applicable event page or retroactively applying such changes at the time of a dispute, chargeback and/or refund request.

## 1.2 Refund Process

In order to initiate a refund request, Kwivrr instructs Consumers to contact the Creator directly. If no contact information is listed, Kwivrr instructs the Consumer to use the contact the organizer button the event page or such other information posted on the event page. Creator agrees to administer its refund policy in accordance with the terms set forth on the applicable event page and the minimum requirements set forth in Section 1.1 above.

When a Consumer requests a refund and the Creator does not respond by either refunding or denying the request after five (5) days, Kwivrr may, in its sole discretion, execute the refund on behalf of the Creator and collect such sums directly from the Creator.

## 1.3 Kwivrr Review

In the event the Creator fails to

- Honor a refund that a Consumer believes is due under the applicable refund policy and/or the minimum requirements set forth above or
- Deliver its promise to make good in connection with a credit or other accommodation issued to the Consumer, that OCnsumer may request that Kwivrr initiate a refund by contacting us.

Kwivrr will review the facts and circumstances and determine at its sole discretion whether or not a refund is due in accordance with the applicable refund policy and the minimum requirements set forth above. Kwivrr will endeavor to complete its review within thirty (30) days of being contacted by the Consumer. Consumers should note that if a Creator has selected a

payment method outside of Kwivrr's Payment Processing, Kwivrr will not have control of the funds and Kwivrr will need the provider of the payment method to cooperate in order to obtain a refund, which may not happen. All determinations by Kwivrr with respect to these Refund Policy Requirements, including without limitation the orders to be refunded and the size of any refund, shall be final and binding on both Creator and Consumer.

## 2. No Insurance or Guarantee

These Refund Policy Requirements are not intended to be and do not constitute an offer to insure the performance of or to guarantee the performance of any Creator and are not a guarantee that refunds will be issued in any given situation.