



## THE KIRK HOUSE IDENTITY USAGE AS IT RELATES TO IT'S WEBSITE AND "SOCIAL NETWORKING" DISCLAIMER

### No warranties

THE **KIRK HOUSE** website or any social networking that may result from or make any reference to the **THE KIRK HOUSE** name or any images where it or it's events may appear is provided "as is" without any representations or warranties, express or implied. **THE KIRK HOUSE** makes no representations or warranties in relation to this website or any subsequent social networking reference to the **THE KIRK HOUSE** name, images or events where it or any of it's events may appear or the information and materials provided on this website or any subsequent social networking reference to the **THE KIRK HOUSE** name, images or events where it or any of it's events may appear.

**Without prejudice to the generality of the foregoing paragraph, THE KIRK HOUSE does not warrant that:**

This website or any subsequent social networking reference to the **THE KIRK HOUSE** name, images or events where it may appear will be constantly available, or available at all; or the information on this website or any subsequent social networking reference to the **THE KIRK HOUSE** name, images or events where it may appear is complete, true, accurate or non-misleading.

Nothing on this website or any subsequent social networking reference to the **THE KIRK HOUSE** name, images or events where it may appear constitutes, or is meant to constitute, advice of any kind. [If you require advice in relation to any [legal or financial] matter you should consult an appropriate professional.]

### Limitations of liability

**THE KIRK HOUSE** will not be liable to you (whether under the law of contract, the law of torts or otherwise) in relation to the contents of, or use of, or otherwise in connection with, this website or any subsequent social networking reference to the **THE KIRK HOUSE** name, images or events where it may appear:

- [to the extent that the website or any subsequent social networking reference to the **THE KIRK HOUSE** name, images or events where it may appear is provided free-of-charge, for any direct loss;]
- for any indirect, special or consequential loss; or
- for any business losses, loss of revenue, income, profits or anticipated savings, loss of contracts or business relationships, loss of reputation or goodwill, or loss or corruption of information or data.

**These limitations of liability apply even if THE KIRK HOUSE has been expressly advised of the potential loss.**

### Exceptions

Nothing in this website / social networking disclaimer will exclude or limit any warranty implied by law that it would be unlawful to exclude or limit; and nothing in this website / social networking disclaimer will exclude or limit **THE KIRK HOUSE'S** liability in respect of any:

- death or personal injury caused by **THE KIRK HOUSE'S** negligence;
- fraud or fraudulent misrepresentation on the part of **THE KIRK HOUSE**; or
- matter which it would be illegal or unlawful for **THE KIRK HOUSE** to exclude or limit, or to attempt or purport to exclude or limit, its liability.

### Reasonableness

By using this website or any subsequent social networking reference to the **THE KIRK HOUSE** name, images or events where it may appear, you agree that the exclusions and limitations of liability set out in this website disclaimer are reasonable.

If you do not think they are reasonable, you must not use this website or any subsequent social networking reference to the **THE KIRK HOUSE** name, images or events where it may appear.



### **Other parties**

[You accept that, as a limited liability entity, **THE KIRK HOUSE** has an interest in limiting the personal liability of its officers and employees. You agree that you will not bring any claim personally against **THE KIRK HOUSE'S** officers or employees in respect of any losses you suffer in connection with the website or any subsequent social networking reference to the **THE KIRK HOUSE** name, images or events where it may appear.]

[Without prejudice to the foregoing paragraph,] you agree that the limitations of warranties and liability set out in this website / social networking disclaimer will protect **THE KIRK HOUSE'S** officers, employees, agents, subsidiaries, successors, assigns and sub-contractors as well as **THE KIRK HOUSE**.

### **Unenforceable provisions**

If any provision of this website / social networking disclaimer is, or is found to be, unenforceable under applicable law, that will not affect the enforceability of the other provisions of this website / social networking disclaimer.

\* A social network service is defined as an online service, platform, or site that focuses on building and reflecting of social networks or social relations among people, e.g., who share interests and/or activities. A social network service essentially consists of a representation of each user (often a profile), his/her social links, and a variety of additional services. Most social network services are web based and provide means for users to interact over the internet, such as e-mail and instant messaging. Although online community services are sometimes considered as a social network service. In a broader sense, social network service usually means an individual-centered service whereas online community services are group-centered. Social networking sites allow users to share ideas, activities, events, and interests within their individual networks.

The main types of social networking services are those which contain category places (such as former school year or classmates), means to connect with friends (usually with self-description pages) and a recommendation system linked to trust. Popular methods now combine many of these, with Facebook and Twitter widely used worldwide; MySpace and LinkedIn being the most widely used in North America; [1] Nexopia (mostly in Canada);[2] Bebo,[3] Hi5, Hyves (mostly in The Netherlands), StudiVZ (mostly in Germany), iWiW (mostly in Hungary), Tuenti (mostly in Spain), Nasza-Klasa (mostly in Poland), Decayenne, Tagged, XING,[4] Badoo[5] and Skyrock in parts of Europe;[6] Orkut and Hi5 in South America, India and Central America;[7] and Friendster, Mixi, Multiply, Orkut, Wretch, renren and Cyworld in Asia and the Pacific Islands and Twitter, Orkut and Facebook in India.