

# Limitation of liability

This document is a description of the special risks associated with the ownership, trading, use of digital assets, in particular, cryptocurrencies. With this document, TRES OTC DMCC informs the Client about possible force majeure circumstances associated with the buying digital assets, disclaims responsibility for the fulfillment of obligations upon the occurrence of the circumstances described below.

## Definitions:

**“TRES OTC DMCC”** - the seller of the FOSTER Token as per Service agreement.

**“TRES DLT DMCC”** - the developer and owner of the code and smart contract for the FOSTER Token as per Service agreement.

**“Consent”** shall mean any freely given, specific, informed and unambiguous indication of which the Data subject, by a statement or by a clear affirmative action, signifies agreement to the processing of Personal data relating to him or her.

**“Digital asset”** shall mean utility tokens.

**“Data subject”** shall mean the natural or legal persons whose data is processed.

**“Personal data”** shall mean any information relating to an identified or identifiable natural person; an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of

that natural person.

“**Process**” shall mean any operation with Personal data, irrespective of the means applied and the procedure, and in particular the collection, storage, use, revision, disclosure, archiving or destruction of data.

“**Third Parties**” shall mean any person who is not bound by a contract of employment or service agreement with TRES DLT DMCC or any entity affiliated with TRES DLT DMCC and any person who is not a Visitor.

## **1. Introduction**

TRES DLT DMCC (hereinafter - the Company) provides its clients ("Clients") with a number of services that relate to the industry of digital assets registered in the blockchain or other distributed database, including, in particular, trading services, tokenization and storage.

In particular TRES DLT DMCC transfers ownership of FOSTER tokens to TRES OTC in order to offer these tokens for sale.

## **2. Scope of this document**

This document contains information on some of the specific risks associated with digital assets that Clients may incur during the period of any agreement entered into with TRES OTC DMCC.

This document does not constitute an exhaustive description of all relevant risks associated with digital assets or transactions with such assets and, under no circumstances, can serve as a substitute for professional advice from an expert. Since the decentralized protocols that serve as the underlying technology of digital assets are still in their early stages of development and may undergo fundamental changes in the future, the risks outlined in this document, as well as the likelihood of their implementation, may change with time. The emergence of new risks is also not excluded. TRES OTC DMCC has the right, but not obligation, to update this Disclaimer in the light of new developments or circumstances, in particular technological, legal, regulatory or market changes.

At the time of this document's writing, the risks described in it are outside the sphere of influence of TRES OTC DMCC. TRES OTC DMCC has no influence whatsoever on the issue or maintenance of operations, or on the functionality, convertibility or transferability of any digital asset. This "Limitation of Liability" supplements and forms part of the contractual agreements governing the relationship between TRES OTC DMCC and the Client, and should be read in conjunction with the general "Agreement" TRES OTC

DMCC and any other general or special terms of the Company. TRES OTC DMCC reserves the right to amend and supplement the "Limitation of Liability" at any time without obligation to notify the Client of the changes.

### **3. Other important issues outside the scope of this document**

Since this description of the risks of working with digital assets is not exhaustive, the client, prior to buying or performing transactions with any digital asset, is obliged to study any additional documents, if any, describing other risk factors, in addition to the risks described in this document. In addition, this document does not address any tax or other jurisdictional legal issues related to buying and digital asset transactions. The client is recommended to take advantage of the advice of a competent lawyer on legal and tax issues.

### **4. Special risks accompanying digital assets**

#### **4.1. Technological risks**

Digital asset risks arising from or associated with a specific use of technology may include:

- *Risks of digital assets operating in (on) a distributed ledger Blockchain*): distributed ledgers on which digital assets operate are outside the sphere of influence of TRES DLT DMCC. Digital assets can be exposed to circumstances specific to the corresponding distributed database, such as hard forks and soft forks, which, in turn, can lead to the creation of new or alternative digital assets, negatively affect the functionality, convertibility or relocation or lead to complete or partial loss of asset units or a decrease (including reduction to zero) in the value of the Client's digital assets.

- *Risk of irreversibility of transactions / erroneous instructions*: base-level transactions on a blockchain or other distributed database are irreversible and final, and the history of transactions, from a computational point of view, is impractical to change (i.e. more computational power than the technical ones will be available to any miner at any time). As a result, if the Client initiates or requests the transfer of Digital Assets using an incorrect blockchain address, it will be impossible to identify the recipient and cancel the erroneous transaction. This risk also applies when the Client tries to transfer digital assets to TRES OTC DMCC using the wrong blockchain address.

- *The risk of vulnerability in the underlying code or technology*. There is a risk that developers or other third parties could intentionally or unwittingly make mistakes in the underlying code or digital asset technology, which could be exploited as vulnerabilities in various types of attacks. Successful attacks can negatively affect the functionality, convertibility, movement of digital assets, or lead to a complete / partial loss of asset units / decrease (including reduction to zero) in the value of the Client's digital assets.

- *The risk of using high-tech equipment in the field of cryptography, for example, the development of quantum computers*. The current state of cryptography, including digital encryption, may evolve over time. Advances in code decryption methods and technical

advances (including in terms of the computing power required to apply such methods) can create security risks for digital assets and, if used, can lead to theft, loss of units or a decrease in value. (including reduction to zero) of the Client's digital assets.

- *Risks inherent to the consensus mechanism, "51% attack"*: DLT can depend on independent validators or other forms of consensus / validation that are exposed to external attacks. Potential attacks include, for example, collision attacks, 51% attacks, and others. In the event of a successful attack, a fraudster can gain control over digital assets, double the cost of the same digital asset, and / or otherwise abuse the identification or personal data of other users. In addition, any such attack may adversely affect the functionality, convertibility or portability of digital assets, lead to complete or partial loss of units or a decrease (including reduction to zero) in the value of the Client's digital assets.

## **4.2. Legal and regulatory risks**

Risks of digital assets associated with the regulatory framework can (but are not limited to) include:

- *Risk of non-compliance or changes in the regulatory framework*. The legal and regulatory framework governing digital assets in the Client's country has not been finally formed. And the emergence of laws, regulations, changes in the regulatory framework and corresponding measures by regulatory authorities or other government bodies may affect the issue, the possibility of internal and / or international exchange, movement or convertibility of the Client's digital assets, and may also lead to complete or partial loss of digital assets or a decrease in their value (including a decrease to zero).

- *The risk of supervisory measures in one or more jurisdictions*: digital assets, their issuers or other interested parties, financial and other service providers may become the subject of regulatory investigations, injunctions or other measures that may lead to complete or partial loss / decrease in the value of the Client's digital assets, will affect the ability to offer digital assets to the Client or otherwise influence the Client. In addition, such measures may interfere, restrict or prohibit the Client from owning or transacting with Digital Assets.

- *Risk of confiscation of digital assets*: the technology underlying digital assets allows for thorough forensic investigations that may be able to go back and cover a period of time and number of transactions that would not have been possible with similar efforts in the context of traditional assets. As a result, the Client's digital assets may be at risk of confiscation by courts or government agencies if they were previously used for criminal activity or were associated with it. Depending on how the Client buys or owns digital assets (for example, in separate, separate vaults by investing in a financial product), some assets may be subject to an increased risk of confiscation. The release of seized Digital Assets may be regulated by foreign laws or regulations, and the corresponding procedures may lead to costs, delays or other unfavorable consequences for the Client.

## **4.3. Market risks**

Digital asset risks associated with their respective markets, trading platforms and systems may (without any limitation) include:

- *Markets for digital assets are evolving:* Markets for digital assets are evolving and may be subject to increased volatility, delays in the execution of trade orders or failures, which can potentially lead to losses or other negative consequences for the Client.

- *Unformed legal regime:* trading platforms, storage / placement sites for digital assets may not be regulated and / or be subject to insufficient regulation, and therefore, cannot provide the same or similar guarantees that would be applied to traditional financial markets, including in relation to market manipulation. All of these characteristics can potentially lead to losses or other adverse consequences for the Client.

- *Delays in executing or settling transactions in digital assets:* The execution and settlement of transactions in digital assets may depend on the specifics of the relevant distributed database or on the involvement of third parties in the existing network. Delays or failures in the execution or settlement of transactions can potentially lead to losses or other adverse consequences for the Client.

- *The risk of valuation of cryptocurrencies.* At the moment, cryptocurrencies are not associated with any national or world currency or with any assets or goods traded on a regulated market, and may be subject to increased volatility.

**By buying and holding digital assets, the Client understands and accepts the risks described in this document. Clients who do not accept the above risks are advised to seek the services of a competent lawyer or refrain from participating in activities related to those bought digital assets.**

**TRES OTC DMCC is not responsible for any loss or damage resulting from the occurrence of the listed risks, which are not within the scope of the Company's influence or cannot be regarded as TRES OTC DMCC's failure to comply with its obligations.**

**In connection with the above, the positive results of the past years should not be used as a benchmark for assessing the effectiveness of future success, just as TRES OTC DMCC does not guarantee accurate indicators of future results.**