

## **“Google Android terms of participation**

These are the requirements for participation.

### **What is the action about?**

Stichting Massaschade & Consument launched a lawsuit on December 12, 2023, against Google for the way it collects data through its Android operating system. Google is thereby violating fundamental rights of consumers in the Netherlands on a large scale. With this collective action, the foundation is standing up for all Android smartphone users. Stichting Massaschade & Consument asks the Amsterdam District Court to order Google to stop its violations of privacy laws and fundamental rights and to order Google to pay damages to the duped Android smartphone users.

Formally, the proceedings are brought against the following companies:

- Google Ireland Limited (based in Ireland)
- Google LLC (based in the United States of America)
- Alphabet Inc. (based in the United States of America)
- Google Netherlands B.V. (based in the Netherlands)

### **How can I participate?**

By filling in your details in the registration form on [portal.androidclaim.nl](https://portal.androidclaim.nl) you can participate in the Google case of Massaschade & Consument. By doing so, you become a participant in our collective action against Google.

### **What does it mean for me to be a participant?**

By joining us, you help us in the case against Google. This is because it allows us to show the court that this action has broad support.

We think it is important that our supporters are involved in important decisions in the Google case. By becoming a participant in our action, you may be asked to think with us about the case in the future. This is of course voluntary.

By becoming a participant, you declare that you support and participate in our collective action (opt-in) and give us power of attorney to negotiate and reach a settlement on your behalf with Google - including outside this collective action. If you live abroad, we may send an opt-in declaration to the court on your behalf.

By becoming a participant in our action, you agree with us that you will not join in an action by another interest group on the same issue(s). If you do, you may have to pay compensation twice. You can only receive compensation for the same damage once.

By becoming a participant, you additionally give us a power of attorney to unsubscribe or opt-out of collective actions and/or settlements by other interest groups against Google that relate to the same issue(s).

### **What is a power of attorney?**

A power of attorney means that Massaschade & Consument can perform specific legal acts on your behalf. For the other party it is then as if you did this yourself. This can only be done for the specific purposes we have agreed upon. So Massaschade & Consument can sign you out for another action against Google and settle with Google on your behalf, but we cannot sign you out for another case against another company, for example.

### **Can I stop this action later?**

You may withdraw your participation, including statement of support and power of attorney, from us until an exclusive advocate has been appointed or, if prior to the appointment of the exclusive advocate, a settlement has been reached with Google relating to the same issue(s). You can do so by sending an email to [deelnname@androidclaim.nl](mailto:deelnname@androidclaim.nl) containing your first name, last name, date of birth and the email address you used to register.

In addition, this case against Google is a class action under the so-called statutory opt-out system. In principle, the opt-out system works such that if Massaschade & Consument is appointed by the court as the exclusive advocate, the foundation automatically

stands up for all individuals within a certain group of Android users, regardless of whether you participate in our action or not.

Do you not want to be bound by the outcome of these proceedings at all? Then it is necessary for you to make use of a so-called legal "opt-out" by sending an opt-out statement to the court. At present, this is not yet possible because the court has not yet appointed an exclusive advocate. In due course - after an exclusive advocate has been appointed - the court will give a deadline for the opt-out statement.

### **What are all the costs?**

If you join our action, you do not have to pay an application fee. This is because Massaschade & Consument is using an outside litigation financier, Eaton Hall Funding LLC (the "**Financier**") based in the United States, who will assume the costs of the proceedings in advance. In the event that the proceeding is lost, these costs remain the responsibility of the Financier. Thus, for participants, this action of Massaschade & Consument is without financial risk. Massaschade & Consument is a non-profit organization and will not earn any money from this itself.

### **So who pays for the procedure?**

Extensive legal proceedings cost a lot of money. To make such a procedure possible without registration costs and without risk for you as a participant in this action, Massaschade & Consument has concluded a financing agreement with the Financier. Therein it has been agreed that in case of success, for example in case of a settlement or favorable verdict, the Financier will receive 17.5% of the proceeds (after deduction of the costs it has incurred). Massaschade & Consument will try to recover the costs of the proceedings from Google as much as possible. In the event that this is not successful, the costs (before deduction of compensation to the funder) will be paid from the proceeds.

Ultimately, the judge will determine the compensation to which the Financier is entitled. Massaschade & Consument will ask the judge to award the compensation described above to the Financier for the litigation risk it assumes. The judge will also determine whether the Financier's compensation will be

withheld even if a person has not signed up with a particular advocate.

In short, if Massaschade & Consument is successful in its action against Google (for example, through a settlement, a ruling favorable to you, or otherwise), this means that the Funder is entitled to payment of the aforementioned costs and percentage compensation, which are thus deducted from your right to compensation.

### **I don't quite understand something yet**

There are many more questions and answers on our website. You can access them via the [Frequently Asked Questions page](#). Is something still not completely clear? Then send an e-mail to [deelname@androidclaim.nl](mailto:deelname@androidclaim.nl) with your question.

