

[Binding, coat of arms: "Canton of Zurich"]

Recording of a Public Deed

Foundation Charter

The following individuals have appeared today before me, the Civil Notary of Hottingen-Zürich, Switzerland:

- 1.** Volker Birk, date of birth: January 17, 1971, nationality: German, resident at Oberer Graben 4, in 8400 Winterthur, Switzerland,
- 2.** Léon Schumacher, date of birth: May 4, 1967, nationality: Luxembourg, resident at Bergstrasse 52, in 8032 Zurich, Switzerland,

who hereby declare and request the recording of the following as a public deed:

I. Preamble

The right to privacy and the right to freedom of information are inalienable human rights. As such, they are expressly set out as legally protected rights in Article 12 and 19 of the Universal Declaration of Human Rights, as based on Resolution 217 A (III) adopted by the General Assembly of the United Nations.

In a time in which these two human rights are increasingly coming under threat, actions are needed to protect and preserve them. The Internet in particular has created a situation for a large proportion of humanity — unfortunately not always in its best interest.

Volker Birk has developed the computer program pEp Engine ("pretty Easy privacy engine"). pEp Engine employs various encryption standards in various digital channels and helps to enable privacy by default. With this deed, Volker Birk would like to endow the foundation being created with the pEp Engine software so that pEp Engine can be perpetually disseminated as open source software for promoting privacy. This also goes hand in hand with the desire that pEp Engine may contribute to restoring the balance of power of individuals in worldwide communication in favor of privacy and freedom of information.

Léon Schumacher would like to support this cause by contributing startup financing.

II. Establishment of the Foundation

We hereby establish a foundation by way of the following foundation charter:

1. Name, Domicile and Duration

We hereby establish a charitable foundation pursuant to Art. 80 et seq. of the Swiss Civil Code under the name of "pEp Stiftung" ("Fondation pEp", "Fondazione pEp", "pEp Foundation").

The Foundation is domiciled in Winterthur. The board of trustees may relocate the domicile to another place in Switzerland, subject to the approval of the regulatory authorities.

The duration of the Foundation is perpetual.

2. Purpose

The primary purpose of the Foundation is to promote the protection of privacy and foster the freedom of expression and information.

This includes pursuing the foundation's own designated activities and projects and collaboration with and support of institutions and vehicles that pursue similar purposes or goals.

The Foundation may make computer programs, texts and other works available to the general public under open source licenses. It shall exercise the rights to these computer programs, texts and other works, maintain them and, if necessary, defend them.

The Foundation may provide funding to institutions, vehicles or individuals for designated activities and projects.

The Foundation shall not engage in self-help or pursue a commercial or profit-oriented purpose. It may exploit its rights to computer programs, texts and other works for realizing and fulfilling the Foundation's purpose and associated activities.

The Foundation shall pursue its purpose at the national and international level.

3. Foundation Assets

The founders hereby endow the following assets to the Foundation:

- the (copy)rights to the computer program pEp Engine (“pretty Easy privacy engine”); and
- an initial capital sum of CHF 50,000 in cash.

The Foundation’s assets shall be augmented by way of possible further grants of the founders or third parties and by income from the Foundation’s activities, including the exploitation of (copy)rights in the Foundation’s assets.

The (copy)rights to the computer programs, texts and other works endowed to the Foundation or to which it is entitled are inalienable. They may be licensed by the Foundation only with obligatory effect, and may not be sold, transferred or assigned to third parties.

4. Regulations

The board of trustees may adopt one or more sets of regulations governing the Foundation’s organization and the execution of the Foundation’s purpose. The regulations and any amendments to them must be submitted to the regulatory authorities.

5. Governing Bodies

The governing bodies of the Foundation are:

- the board of trustees; and
- the external auditors, where the Foundation is not exempt from the obligation to appoint external auditors by decree of the regulatory authorities.

The board of trustees may delegate powers, including designating an executive manager, who need not be a member of the board of trustees. The responsibilities and powers of executive management are set out in the regulations.

6. Board of Trustees

The board of trustees shall consist of a minimum of three (3) and a maximum of seven (7) members.

The initial members of the board of trustees shall be designated by the founders. Afterwards the board of trustees may co-opt other members.

The term of office of members of the board of trustees is five (5) years. Re-election is permissible.

The board of trustees is self-constituting. The board of trustees shall administer the Foundation in accordance with the law, the foundation charter, and the regulations as deemed appropriate. It shall have the following inalienable duties:

- Establishment of signatory and representation powers for the Foundation;
- Election of the board of trustees and the external auditors; and
- Approval of the annual financial statements.

The board of trustees shall be quorate when the majority of the trustees are present. It shall pass its resolutions by a simple majority. In the event of a tie vote, the meeting chair shall cast the tie-breaking vote. Resolutions may also be adopted by way of circular, providing that no board member demands oral deliberation. Circular resolutions may be adopted only by a majority of the votes cast by all the members of the board of trustees.

The members of the board of trustees shall serve in an honorary capacity; they shall be entitled only to reimbursement of their cash outlays and out-of-pocket expenses. Where special activities or labor-intensive services are performed by members of the board of trustees, these members shall receive appropriate compensation.

7. External Auditors

The external auditors (statutory auditors) shall be elected by the board of trustees for a term of office of three (3) years.

8. Financial Reporting and Financial Year

The financial year shall end on December 31, which shall be the reporting date for the annual financial statements.

If circumstances require, the financial year may end on another date which shall be the reporting date, subject to the approval of the regulatory authorities.

9. Amendments

The board of trustees may apply to the competent authorities for the charter to be amended (Article 85, 86 and 86b of the Swiss Civil Code).

10. Liquidation

In the event that the Foundation's purpose can no longer be achieved, the board of trustees shall apply to the competent authorities for the Foundation to be dissolved as provided for by law. Any remaining assets of the Foundation shall be put to a charitable purpose that is as similar as possible to the Foundation's purpose or they shall be assigned to a charitable, tax-exempt organization located in Switzerland with as similar a purpose as possible (e.g. the Swiss Privacy Foundation, www.privacyfoundation.ch), subject to the approval of the competent authorities. In so doing, the Foundation's rights to computer programs, texts and other works may be transferred subject to the assignment of the attaching licenses declared by the Foundation to be applicable and/or issued and subject to the stipulation that these rights may not be alienated, retransferred or re-assigned.

The Foundation's assets may not, under any circumstances, revert to the founders.

The liquidation of the Foundation shall be completed by the last board of trustees, who shall remain in office until liquidation is concluded.

Zurich, Switzerland, October 21, 2015

[signature]

Volker Birk

[signature]

Léon Schumacher

This document contains the intention of the parties as indicated to me. This document has been personally read by the individuals appearing before me (founders) and named in it, acknowledged by them as being correct, and signed by same before me.

Zurich, Switzerland, October 21, 2015

[round stamp:]

CIVIL NOTARY'S OFFICE OF
HOTTINGEN-ZÜRICH

[Civil Notary's Office of
Hottingen-Zürich]

[signature]

Roman Sandmayr, Notary

Client Care Center

[embossed seal, illegible]

Zürcher Kantonalbank

Contact	Brigitte Zollinger
Phone	+41 (0)44 292 64 20
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Address	Sonnentalstrasse 6 8600 Dübendorf
Postal address	P.O. Box, 8010 Zurich

pEp Foundation
(undergoing incorporation)

Winterthur

Zurich, October 16, 2015

Paying-in certificate/confirmation

We confirm that we have received the amount of

CHF 50,000.00 (fifty thousand Swiss francs)

remitted in favor of **pEp Foundation**, of Winterthur (undergoing incorporation), reference no. 2015983.

Free disposition of funds

The deposited amount will be placed at the disposal of the authorized signatories after the foundation has been entered in the commercial register and registration has been published in the Swiss Official Gazette of Commerce (SOGC), or earlier if you submit the extract of the original journal entry.

Sincerely yours,
Zürcher Kantonalbank

[signature]
Sonja Drehmann

[signature]
Gisela Bernhard

[embossed seal in back cover]