

Country-Specific Appendix to Akamai Terms and Conditions

1. Applicability. This Country-Specific Appendix (this "Appendix") supplements and, where expressly stated, replaces certain sections of the Akamai Terms and Conditions (the "Agreement") in accordance with Section 19.2 of the Agreement. This Appendix applies solely with respect to Customers located in Germany and the Services performed or delivered in such jurisdiction.

2. Precedence. To the extent of any conflict between this Appendix and the Agreement, this Appendix will control, but only to the extent of such conflict and solely with respect to the jurisdiction identified in Section 1 above.

3. Country-Specific Terms. The following provisions supplement or replace the corresponding sections of the Agreement as indicated:

3.1 Section 8.4 (Exclusion of Consequential and Other Damages) is entirely deleted and replaced with the following:

"8.4 EXCLUSION OF CONSEQUENTIAL AND OTHER DAMAGES. IN NO EVENT SHALL EITHER PARTY BE LIABLE FOR ANY LOSSES THAT ARE TYPICALLY NOT FORESEEABLE AT THE TIME OF EXECUTION OF A TRANSACTION DOCUMENT. NOTWITHSTANDING THE FOREGOING, THE PARTIES AGREE THAT, TO THE FULLEST EXTENT PERMISSIBLE BY LAW, IN NO EVENT SHALL EITHER PARTY BE LIABLE FOR ANY LOST DATA, LOST PROFITS, BUSINESS INTERRUPTION, REPLACEMENT SERVICES, OR OTHER SPECIAL, INCIDENTAL, CONSEQUENTIAL, PUNITIVE, OR INDIRECT DAMAGES, HOWEVER CAUSED AND REGARDLESS OF THEORY OF LIABILITY, EVEN IF A PARTY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES."

3.2 Section 14. Governing Law, Jurisdiction, and Venue

The statement from section 14 *"(a) for Services provided in Europe, the Middle East, or Africa, the laws of England and Wales and the courts of London, England; (b) for Services provided in the Asia-Pacific region, the laws of Singapore and the courts of Singapore; or (c) for Services provided in the United States or any other region, the laws of the State of Delaware (without regard to any conflict-of-laws rules that would result in the application of the laws of another jurisdiction) and the state courts located in Suffolk County, Massachusetts, and the United States District Court for the District of Massachusetts"* is replaced with the following:

"under the laws of Germany and the jurisdiction of Munich, Germany."

4. Language. The English-language version of this Appendix controls unless a translation is required by Applicable Law.