

CAN-AM Cryoservices, Inc.

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Welcome to CAN-AM Cryoservices:

CAN-AM Cryobank is a Canadian distributor of semen products from Fairfax Cryobank, Fairfax, VA USA and Cryogenic Laboratories, Inc. (CLI) Roseville, MN USA collectively known as "Cryobank". We, the staff of Cryobank and CAN-AM Cryoservices, are pleased that you have selected our services to assist you on your pathway to create your family. We are here to help you with your family-building plans. Our objective is to provide premier donor sperm services, including: donor sperm, sperm storage, and sperm shipments. We strive to provide safe, secure services using the latest cryopreservation technology, testing and screening that serves to protect your health and complies with state/province and federal (Food and Drug Administration, USA and Health Canada) requirements.

This letter explains what to expect from Cryobank's donor programs. It also explains what Cryobank and CAN-AM Cryoservices needs from you. More detailed description and terms for each program and service are described in our literature and websites (www.fairfaxcryobank.com, www.cryolab.com and www.canamcryo.com) and in the storage agreements, billing agreements and authorizations that you will be asked to sign during your involvement with us.

CAN-AM Cryoservices must receive a signed copy of this 'Terms of Use' form at least one business day prior to the first shipment of any Specimens.

Cryobank's Donor Programs

The Cryobank donor program consists of two distinct options: Anonymous Sperm Donors and Identity (ID) Option Donors. We provide anonymously donated semen that is tested and screened for certain genetic and infectious diseases. Donor sperm purchased by an individual/couple is to be used solely by that individual/couple and is not to be resold or redistributed to another recipient without Cryobank's involvement in transfer of ownership. Distribution or sharing of the donor sperm beyond the originally intended recipient interferes with the proper tracking of pregnancies and dissemination of relevant medical history as needed. We provide information about the donor to assist you in the selection of the donor best for you. Such information and images are offered for your personal use, and not for public dissemination. Cryobank's ID Option program allows for the ID Option donor's name and contact information to be shared with registered offspring 18 or older who request the information. The Identity (ID) Option Donor Program will require receipt of a signed Identity (ID) Option Patient Agreement at least one business day prior to the first shipment. This agreement is donor-specific and will need to be submitted for each ID Option donor you select. Offspring are registered by completing an ID Option Birth Registration Form following the birth of your child or children. We are pleased to assist individuals, married couples and unmarried couples interested in our donor programs.

In the general population, every pregnancy has about a 3%-4% risk of producing a child with a birth defect or mental deficiency. Cryobank reviews each donor's personal and family medical history, has a physician examine each donor, and performs genetic and infectious disease screening to reduce this risk, *but it cannot eliminate the risk*. Cryobank performs the diagnostic tests listed in the Using a Sperm Donor/Donor Screening Section of our website (www.canamcryo.com.) Although it is not possible to completely *eliminate the risk of infectious diseases or genetic disorders*, the tests performed by Cryobank reduce the likelihood of a donor passing on an infectious disease or a genetic disorder. Please be aware that we do not test for *all* genetic disorders or infectious diseases because not all genetic disorders/diseases have tests, or it is impractical or otherwise not feasible to do such tests. Therefore, there is no guarantee that all donor specimens are completely free of genetic defects or diseases, that a pregnancy will result, or that a child born using our donor sperm will be free of disease or physical or mental defects.

We maintain confidential medical information, and work diligently to keep it private. You are the legal parent of the children born to you with the use of donated sperm. You are solely responsible for their support and custody. The donor has given up all of his rights and is released from any obligations to children born using his sperm. You may wish to consult legal counsel regarding paternity rights in your location and for your specific situation.

What We Need from You

We want you to read all agreements and documents that we provide and ask questions about issues you need clarified. We will ask for signatures on the forms, and some will need to be notarized. This is to ensure that we are following your choices and directions. You may want to consult with your attorney, physician, or other advisor to review the documents before you sign them. If you have any questions about this document, please contact us at 1-888-245-3471, and you will be connected with the appropriate person to answer your questions.

You agree that the Specimens are for your personal use only. For anonymous donors, you recognize that you have no right to learn their identity, and that CAN-AM Cryoservices and Cryobank will not disclose identifying donor information or assist you in any way to contact an anonymous donor. For ID Option donors Cryobank will provide donor name and contact information to those offspring 18 or older who are registered and request that information. You do not have the right to seek a donor's identity by other means available to you, and should we discover that you have made these attempts to do so, we will pursue any and all appropriate action to protect the donor's interests. In turn, CAN-AM Cryoservices and Cryobank will not disclose your identifying information to the donor.

Completed agreements and other forms must be in our hands prior to shipment or collection of any Specimens.

Limits to Our Services

CAN-AM Cryoservices ships Specimens via Federal Express (FedEx) or Purolator in specially designed liquid nitrogen vapor tanks. Although uncommon, shipping delays may occur due to bad weather, airplane mechanical problems or other similar events outside of our control.

CAN-AM Cryoservices and Cryobank do not, and are not able to guarantee or in any way represent, suggest, or promise that use of our Specimens will result in a pregnancy for you. We do, however, provide information on donors whose semen samples have produced reported pregnancies on our website.

Even if donor testing shows normal test results, the tests have limitations and may not always be reliable, even when properly administered. This means that Specimens may not be infectious diseases or genetic disorder free even though the test results for such Specimens indicate otherwise; in addition, there can be infectious diseases or genetic disorders for which the specimens are not tested. Cryobank quarantines all donor Specimens for a minimum of 180 days and then retests for a variety of infectious diseases prior to releasing the Specimens. Cryobank utilizes CLIA (Clinical Laboratory Improvement Amendments of 1988) certified and FDA registered testing laboratories, licensed and accredited Canadian testing laboratories, utilizing FDA and Health Canada licensed, approved, or cleared donor screening tests for donor eligibility determination. These testing laboratories and CLIA certifications used to perform the testing are approved and accepted by Health Canada. The testing laboratories certifications can be viewed/downloaded at the Cryobank web sites (www.fairfaxcryobank.com or www.cryolab.com). We encourage you to refer to our website for more information on our donor screening and testing.)

Cryobank relies totally upon the representations of the donor that (1) Specimens produced by the donor are the donor's own (all donations are made on site at our laboratories); and (2) the donor has the genetic and hereditary characteristics and health profile claimed in the donor profile completed by the donor. Cryobank has protocols in place to assure the identity of each donor (e.g. verification of photo IDs) who provides specimens, as well as a tracking mechanism to track

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the Specimen during the processing stages. However, Cryobank makes no independent investigation of a donor's representations, nor is it obligated to do so. Due to the anonymity and confidentiality issues involved with semen donation, we must respect the privacy of our donors and rely on our screening methods to detect inconsistencies. Cryobank uses a stringent screening process whereby a donor must complete a detailed medical and genetic family history, personal profile, and have an in-depth personal interview. Each step is monitored for inconsistencies, and we take care to ensure accurate information is provided. We come to know our donors well and we respect their commitment to our program.

Donor Availability:

All donors will sell out, and the timing is unpredictable. We sell sperm units on a first come, first served basis. You can check your donor's availability on our website at www.creatingcanadianfamilies.ca, by clicking on Donor Catalogue on the task bar. On the next screen, select On-line Fairfax or On-line Cryogenic Catalogue box. The catalogue will come up and the availability is shown as either: Y = Yes, N =No, C= Call. You can also check availability on the Fairfax Cryobank or CLI web sites: www.fairfaxcryobank.com or www.cryolab.com. Go to the Donor Sperm tab on the task bar and click on donor search. Once the search feature comes up check the Canadian Release box on the basic search. The results of the search in each case are the list of donors who are expected to have availability either now or in the future through CAN-AM CryoServices. Once a donor sells out, his donor number will no longer appear on the complete list of all Canadian release donors, yet entering his number in the Donor Number Search field will allow him to appear (so that you can purchase donor information, e.g. medical and personal profiles) even if he is sold out. He will be listed as 'Inactive' with 'No Availability' when you click on his number, so be sure to check availability before you order. We DO NOT give preference for full siblings when units are sold. We have had clients who wish they had bought extra units of their donor to ensure his availability for having full siblings later, but were disappointed to learn that their donor is sold out when they are ready to order again. Consider [buying and storing](#) when units are available to avoid this situation.

Specimen Quality Standard:

Specimen Type	Total Motile Cells/ milliliter (TMC)	Clinical Use
IUI	10 million/vial	Pre-washed vials, ready for intrauterine insemination (IUI)
ICI	18 million/vial	CLI: Ready for intracervical insemination (ICI) or can be washed for IUI specimen
ICI	10 million/vial	Fairfax: Ready for intracervical insemination (ICI) or can be washed for IUI specimen
IVF	5 million/vial	Ready for ICI or can be washed for use as an IUI or IVF with/without ICSI

Our specimen quality standard provides assurances that our specimen quality meets specific standards for total motile sperm cells at the time the samples are thawed at the physician's office. Refer to our website for full details of the Specimen Quality Standard. The physician/clinic must follow Cryobank's printed thaw procedures enclosed in each shipment. Thaw procedures may vary among specimen types. In certain situations, if a specimen does not meet the expected total motile cell count at the time of the thaw (but *prior* to any processing done at the physician's office), we offer a full or partial credit or refund for the cost of that specimen. This would not include shipping costs or any other associated costs. A client is not eligible for a refund if pregnancy is achieved, regardless of the count, or if the correct thaw procedure included with the specimen at the time of shipment was not followed at the physician's office. The quality standard only applies to cell counts *prior* to any additional processing that your physician's office may wish to do. A pre-processing count must be taken to determine if the specimen meets the Specimen Quality Standard.

Sperm counts will vary 10-30% depending on the lab personnel and counting method; this is taken into consideration when processing a complaint. If you feel the quality standard has not been met and a refund or credit is desired, the physician/clinic must report specific specimen data and submit a complaint within ten (10) business days of thawing. Notification is to be made by calling 1-888-245-3471 to file a complaint over the phone with our Client Services department

One of the conditions of the quality standard is that it is void after the specimens are offsite for more than 120 days. We do not have control over the storage and handling practices of outside laboratories or at other storage facilities. Please keep this in mind when shipping and storing specimens offsite at your doctor's office. CAN-AM Cryoservices offers several onsite storage options including a 50% buy-back for unused specimens that remain at CAN-AM Cryoservices. Please refer to our website (www.info@canamcryo.com) for details of this and other offers.

This specimen quality standard is void if ownership of specimens is transferred to a different owner prior to use.

Pregnancy Reporting/Limitations on Donor Births

Cryobank finds pregnancy reporting and tracking imperative. You agree to report all pregnancy outcomes (, clinical or a birth) to Cryobank within 90 days of each occurrence. A pregnancy report is sent with every donor semen order, so your physician has the ability to report your pregnancy. You can also report your pregnancy on line at Fairfax Cryobank (www.fairfaxcryobank.com) or CLI (www.cryolab.com). The ability to track pregnancies is imperative so Cryobank can monitor the number of pregnancies and abide by our donor pregnancy limitations.

Cryobank limits the total number of births for any donor based on the application of several criteria. Specifically, a donor's sales will cease when *either* of the following criteria is reached: 1) International distribution stops when 15 family units (children from the same donor living in one home) have been reported. After the family unit limits have been met, vials will only be distributed for sibling pregnancies. *OR* 2) Total number of units sold reaches our designated limit (actual numbers are not disclosed). Family units who have children by the same donor will be sold additional donor units, if available, as 'Sibling Pregnancy Only' units. In addition, we also monitor the reported location of births and limit the geographic distribution of a donor consistent with the guideline of the American Society for Reproductive Medicine (ASRM). In order to help us monitor the number of births associated with any donor, it is important that everyone be diligent in [reporting births](#) to us. We ask that the physician or patient please go to the pregnancy reporting page on our website or call, fax, or mail us the patient's information. Patient identifying information received from a pregnancy report is strictly confidential and not available to anyone outside of Cryobank. If a donor has reached his maximum limits on family units or total sales, then reactivation of that donor may be available for sibling pregnancies. (Reactivation means that a donor can be asked to provide additional samples after he has left the program. The donor must first agree to be reactivated and if he does the client agrees to pay all costs which typically exceed several thousand dollars.)

Checking Donor Medical Status before Fertility Treatments

Donor Medical Status is a **donor classification** that indicates if your donor has been restricted due to a significant medical issue in an offspring. Not all medical issues reported result in a restriction. Those determined to increase the risk to other offspring do result in the donor being restricted. When a donor becomes restricted or is placed in investigation, he will no longer be viewed on the donor search by the general public. To the best of our knowledge, all donors start the program without known significant medical or hereditary issues in themselves or their offspring. But a donor's medical status can change with time. He may now be **restricted for medical issues** or be **under investigation**, in which case we want you to be fully informed. Please refer to the Fairfax Cryobank or CLI website to learn more about how we inform clients about these medical issues on the Check Donor Medical Status page. **If you purchased units and they are stored offsite, we encourage everyone with a Cryobank donor semen sample or an embryo created from that semen to Check Donor Medical Status online or by calling Client Services at 1-888-245-3471 prior to use in a fertility procedure.**

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LIMITATION OF CRYOBANK’S LIABILITY

CRYOBANK’S LIABILITY FOR ANY DEFICIENCY, INCLUDING WITHOUT LIMITATION ANY DEFICIENCY IN SPECIMEN QUALITY, WILL BE LIMITED TO SUPPLYING A REPLACEMENT SPECIMEN OR FULL OR PARTIAL REFUND FOR THE COST OF THE SPECIMEN ONLY, EXCLUDING SHIPPING FEES, AT CRYOBANK’S DISCRETION. SHIPPING COSTS CANNOT BE REFUNDED UNLESS SPECIMENS ARRIVE THAWED. CRYOBANK WILL IN NO EVENT BE LIABLE FOR ANY CONSEQUENTIAL OR INCIDENTAL DAMAGES, INCLUDING BUT NOT LIMITED TO ANY ADDITIONAL OR ASSOCIATED EXPENSES INCURRED BY THE PATIENT DURING INFERTILITY TREATMENT.

Once again, thank you for your confidence and trust in our services. We are committed to the conception of healthy babies and are excited to make this journey with you.

Sincerely,

The Staff of CAN-AM Cryoservices and Cryobank.

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SIGNATORY OR SIGNATORIES:

We/I have read this document and understand other important considerations when using donor sperm from CAN-AM Cryoservices and Cryobank. This includes the “Limitation of Cryobank’s Liability,” set forth on page 5, and the discussions on limiting donor pregnancies, donor availability, and the specimen quality standard.

_____	_____
Date	Recipient’s Date of Birth
_____	_____
Recipient’s Signature	Recipient’s Email Address
_____	_____
Recipient’s Printed Name	Recipient’s Home Address Line 1
_____	_____
Spouse’s or Partner’s Signature (if applicable)	Recipient Home Address Line 2
_____	_____
Spouse’s or Partner’s Printed Name (if applicable)	Recipient’s Phone Number
Physician’s Name: _____ Clinic: _____	
Physician’s Complete Address: _____	
Physician’s City: _____ Physician’s Province: _____ Physician’s Postal Code: _____	
Physician’s Phone Number: _____ Physician’s Fax Number: _____	
Physician’s Contact Email Address: _____	

CAN-AM Cryoservices must receive a signed copy of this ‘Terms of Use’ letter via fax, email or mail at least one business day prior to shipment of any Specimens. We only require submission of Page 6 in order for this document to be considered valid.

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