

ARTICLE 4: Geographic Scope of the Agreement

The geographic scope of this Agreement shall extend between all United States ports and points and all foreign ports and points (the "Trade"), although it is understood that the portal established and operated pursuant hereto may be used in trades other than those involving the United States.

ARTICLE 5: Overview of Agreement Authority

a) The Shareholder Parties are authorized to discuss and agree upon all aspects of the development, utilization, operation, modification, maintenance and repair and marketing of an electronic system designed to facilitate a common set of transactions between customers and ocean common carriers and to make it easier for customers to obtain ocean transportation services (said electronic system is hereinafter referred to as the "Portal").

(b) Subject to Article 5(c) hereof, the Shareholder Parties agree that the Portal shall be available to all ocean common carriers and Other Users on an equal and non-discriminatory basis and shall, among other things, be capable of performing the following functions: schedule requests, booking requests, booking confirmation and activity plans, equipment dispatch, shipping instructions, bill of lading verification, tracking and tracing of shipments, proactive event notification and provision of reports and statistics. In connection therewith, the Portal may contain a function which permits shippers to assemble requests for contract proposals ("tenders") by downloading and/or uploading data regarding their past performance with some or all of the Parties and/or Other Users, to disseminate those tenders to the entities ~~Party or Parties~~ chosen by the shipper, and enables such entities ~~the Party or Parties~~ chosen by the shipper to

respond to those tenders. The Shareholder Parties are authorized to establish limitations on the use of this tender function based on a minimum volume of cargo and the number of times shippers may submit tenders in a single trade during a specified period of time. Cargo ownership shall not be a limitation on use of the tender function. Any tender function shall preserve the confidentiality of individual service contract and NVOCC service arrangement ("NSA") information and shall in no way limit or restrict the ability of any Party or Other User to negotiate individual service contracts or NSAs through other means. Furthermore, shippers may disseminate tenders to ~~ocean~~ common carriers who are not parties to this Agreement via the Portal and, consistent with the limitations and requirements adopted by the Shareholder Parties with regard to use of the Portal, such ~~ocean~~ common carriers may respond thereto. The Portal may host individual rate, service contract and/or NSA information, provided that to the extent any such information is confidential, the confidentiality of such information is protected. ~~Subject to the foregoing, the Portal shall not contain individual rate or service contract information, but shall instead provide an individual hyperlink for each of the Parties and Other Users to a website where this information may be obtained for that Party or Other User.~~