

Prohibited and Restricted Items Policy

BlackSpace is a semi-curated marketplace, not a curated marketplace. However, for a variety of reasons, we prohibit certain types of items from being sold and bought on BlackSpace. Some items present legal risks to our community; others are inconsistent with our values, are harmful to our buyers and sellers, or simply are not what BlackSpace stands for. This policy explains what is prohibited or restricted on BlackSpace.

We have a zero-tolerance policy for prohibited items, particularly those that promote, support or glorify hatred, those that promote, support or glorify violence, or are unlawful. Sellers deemed to violate this policy can be subject to immediate account suspension or termination, in accordance with our Terms of Use.

This policy is a part of our Terms of Use. By opening a BlackSpace shop, you're agreeing to this policy and our Terms of Use. If BlackSpace has reason to believe you, your content, or your use of the Services violate our Terms, we may deactivate your content to some or all buyers or suspend or terminate your account (and any accounts BlackSpace determines is related to your account) and your access to the Services. Generally, BlackSpace will notify you that your content or account has been suspended or terminated, unless you've repeatedly violated our Terms or we have legal or regulatory reasons preventing us from notifying you.

The following types of items are prohibited or restricted on BlackSpace:

1. Alcohol, Tobacco, Drugs, Drug Paraphernalia, and Medical Drugs
2. Animal Products and Human Remains
3. Dangerous Items: Hazardous Materials, Recalled Items, and Weapons
4. Hate Items: Items that Promote, Support, or Glorify Hatred
5. Illegal Items, Items Promoting Illegal Activity, and Highly Regulated Items
6. Internationally Regulated Items
7. Nudity and Mature Content
8. Violent Items: Items that Promote, Support, or Glorify Violence

Policy decisions are complex and very difficult to execute. We consider many different and often divergent factors before coming to a decision about what is best for our community of buyers and sellers. Because we are a creative community, we defer to freedom of expression. We also tend to allow items that have educational, historical, or artistic value, but we know that even those items are subject to a variety of valid and sometimes conflicting interpretations

and emotional responses.

Art and history can be provocative, emotional, and divisive. There are some topics on which we may never reach a consensus as a community, and that is okay.

To help provide clarity and insight into our policy making process, we have included the rationale behind our decisions and details about how they will be enforced. We reserve the right to remove listings that we determine are not within the spirit of BlackSpace or what we stand for. Violating this policy may result in the member's selling privileges being suspended and/or terminated.

This policy was published on March 22, 2023 and it will take effect on May 1, 2023. This policy is a part of our Terms of Use. By shopping on BlackSpace, you're agreeing to this policy and our Terms of Use.

1. Alcohol, Tobacco, Drugs, Drug Paraphernalia, and Medical Drugs

Alcohol and drugs are prohibited on BlackSpace. These substances face serious legal restrictions and in many cases are considered controlled substances under applicable law. Our policy also applies to other substances that have or are claimed to have an intoxicating or healing effect. Possible legal restrictions aside, these substances are not in the spirit of BlackSpace or what we stand for.

More Details:

The following are examples of items that may not be sold on BlackSpace:

1. Alcohol
2. Tobacco products, smokeable products, e-cigarettes, and e-liquid.
3. Drugs and certain herbal substances, including substances used for recreational and medicinal purposes, regardless of their legality. We also prohibit instructions or materials intended to aid in the creation of these items.
4. Drug paraphernalia, including, for example: items with a carburetor; slides and/or items with a slide; bongs and bubblers; vaporizers and their components.
5. Medical drugs, regulated medical devices, and pharmaceuticals.

Restrictions on descriptions of purported health benefits:

A medical drug claim is a statement or suggestion that an item prevents, heals, or treats a medical condition or disease. Medical drug claims are subject to varying degrees of regulation. If you make claims about the purported health benefits of an item for sale on BlackSpace, we urge you to speak with a qualified expert about which regulations apply to you. It is your responsibility to know and comply with all laws and regulations that apply to the items you sell. BlackSpace prohibits certain medical drug claims based on our values, such as claims likely to deceive or pose an unreasonable risk to our community. BlackSpace may remove claims that we deem to be inappropriate, excessive, or otherwise unsuitable for our marketplace. We also remove content that promotes prohibited medical claims, such as anti-vaccine items. If

BlackSpace receives proper notice from a legal authority, we may remove an item.

A Few Examples of What We Do Allow:

- Beer brewing kits
- Baked goods containing alcohol (e.g., Rum Cake)
- Hookahs and tobacco pipes
- Empty alcohol bottles and items created from them (e.g., wine bottle light fixture)

2. Animal Products and Human Remains

Certain animal products are highly regulated and prohibited on BlackSpace due to the risk of harm to live, companion, or endangered animals.

More Details:

The following are examples of animal products that may not be sold on BlackSpace:

1. Live animals.
2. Items created using any endangered or threatened animal species. We define these as animal species designated as threatened or endangered by the US Endangered Species Act listed in Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).
3. Items made from cat and dog parts or pelts as defined by US Federal Law.
4. Ivory or bones from ivory-producing animals, including tusks, elk ivory, fossilized ivory, and woolly mammoth ivory.
5. Items made from human remains or products from the human body, except for teeth, fingernails, and hair.

A Few Examples of What We Do Allow:

- Non-ivory animal bones and antlers
- Leather goods (except as defined item 3 above)
- Textiles and fabrics made from animal hair
- Human teeth or hair

Resources: Endangered Species Act; Prohibition on Importation of Dog and Cat Fur Products
We expect all of our members to follow their local laws. If you are shipping items across international borders you should also consult CITES for specific information about importing and exporting species that may be threatened. If you sell products containing feathers, you should also consult the Migratory Bird Treaty Act.

3. Dangerous Items: Hazardous Materials, Recalled Items, and Weapons

For safety and legal reasons, we prohibit certain dangerous items from the BlackSpace marketplace.

More details:

Hazardous Materials

Due to the potential harm caused by hazardous materials, as well as complex legal and shipping regulations surrounding such materials, hazardous materials are prohibited on BlackSpace. We also prohibit kits, instructions, patterns, and designs enabling the creation of these items.

While not exhaustive, the following materials are examples of prohibited hazardous materials:

1. Explosives (fireworks or sparklers)
2. Explosive precursors (certain chemicals)
3. Flammable items
4. Gases
5. Radioactive material
6. Toxic substances (such as poisons)
7. Individual or loose lithium ion batteries

Recalled Items or Items that May Pose a Health or Safety Hazard

Items that have been recalled by governments or manufacturers are prohibited from being sold on BlackSpace. A few examples of items that have been recalled are certain vintage Corning Ware percolators, lawn darts, and drop side cribs.

Items that may pose a health or safety hazard are prohibited, even if they have not been the subject of a recall. This would include, for example, items that present a choking, electrocution, or strangulation hazard. We rely on information from user reports and various government agencies to identify these items.

BlackSpace prohibits certain loose or separable high-powered magnets that fit into a 2.25 inches long and 1.25 inches wide “small parts” cylinder and have a flux of 50 kG² mm² or more, because of the safety risk they pose if swallowed.

Weapons

Context matters when it comes to defining what is or is not a weapon. When in doubt, it's safe to assume that we won't allow any item intended to be used as a weapon to inflict harm. The following items are generally not allowed on BlackSpace:

1. Guns, knives, or other blatant weapons, even if they are vintage.
2. Imitation firearms and weapons that look real or are prohibited by US law
3. Patterns, designs, plans, or instructions, for the creation of prohibited weapons

A Few Examples of What We Do Allow:

- Culinary knives or other knives used as tools
- Letter openers
- Toy slingshots
- Airsoft guns and other non-harmful toy guns (some restrictions apply at our discretion)

Resources: Bureau of Alcohol, Tobacco, Firearms and Explosives; FMCSA's Guide to Complying with Federal Hazardous Materials Regulations; US Federal Government's Guide to Recalled Items; US Code of Federal Regulations on Imitation Firearms; US Consumer Product Safety Improvement Act (CPSIA); US Consumer Product Safety Commission's Resellers Guide to Selling

4. Hate Items: Items that Promote, Support, or Glorify Hatred

We want BlackSpace to be a community where people of all backgrounds, nationalities, religions, political affiliations, and even different types of artistic taste and humor feel welcome. Art is incredibly subjective, and what is offensive to one is not necessarily offensive to others.

More Details:

BlackSpace does not allow items or listings that promote, support or glorify hatred toward people or otherwise demean people based upon: race, ethnicity, national origin, religion, gender, gender identity, disability, or sexual orientation (collectively, “protected groups”). We also prohibit items or content that promote organizations or people with such views.

The following items are not allowed on BlackSpace:

1. Items that support or commemorate current or historical hate groups, including propaganda or collectibles. Examples of hate groups include Nazi or Neo-Nazi groups, Ku Klux Klan (KKK) groups, white supremacist groups, misogynist groups, or groups that advocate anti-gay, anti-immigrant, or Holocaust denial agendas.
2. Items that contain racial slurs or derogatory terms in reference to protected groups.

Some items may contain symbols or terms associated with hate groups in a context unrelated to the group itself. We understand that these items are subject to a variety of valid and often conflicting interpretations of their educational, historical and artistic value. Recognizing that there may be no consensus on their value and reserving the right to evaluate such items on an individual, case-by-case basis, the following types of items are generally allowed on BlackSpace: Co-opted symbols, such as the swastika, when used in peaceful or religious context (often in Hinduism, Buddhism, and Jainism). The item itself must possess features that clearly depict its cultural or religious origin or purpose.

A Few Examples of What We Do Allow

- Swastikas in certain religion contexts
 - A note on swastikas:
We are sensitive to the fact that there are many cultures throughout the world which use the swastika for legitimate purposes completely independent of Nazism. However, due to the widespread recognition of the Nazi swastika as a hate symbol, we have decided to only allow swastikas when part of a clear religious or cultural context.
- Items that use idiomatic expressions that include the word “nazi”, such as “grammar nazi”
- Items denouncing or mocking groups or historical figures that have a history of organized, targeted violence against protected groups

Resources: Federal Bureau of Investigation’s webpage on Hate Crimes; Southern Poverty Law Center

5. Illegal Items, Items Promoting Illegal Activity, and Highly Regulated Items

We respect the law and expect BlackSpace sellers to respect the law as well.

More Details:

Illegal items, items that promote illegal activity, and stolen items are not allowed on BlackSpace. Neither are certain items that are subject to complex legal regulations or registration systems. We require sellers to follow all applicable laws for the items they list. Listings may be unavailable for users in regions where the item is restricted to purchase or sell. While not exhaustive, examples of items which may be subject to regulation include:

1. Native American crafts
2. Plants and seeds
3. Children’s products
4. Food products
5. India Restrictions

All forms of illegal activity are strictly prohibited. This includes, but is not limited to the sale of:

1. Unauthorized or counterfeit goods
2. Personal information
3. Highly regulated items, such as currency and real estate
4. Listings which facilitate or promote illegal activity, such as:
 - a. Impersonation
 - b. Evasion of the detection of illegal activity
 - c. Fraudulent deception that is misleading of one’s medical status, or that enables privacy infringement

Unauthorized replicas or copies of items, and patterns or designs enabling their creation, are prohibited on BlackSpace. We consider counterfeit or unauthorized goods to be items that imitate an authentic good, particularly by using a brand’s name, logo, or protected design without the brand owner’s consent. Additionally, we may consider up-cycled or re-purposed items, even if using authentic materials, to be counterfeit if they are making use of a brand’s name, logo, or protected design without their permission. Examples of prohibited counterfeit or unauthorized goods include replica luxury and non-luxury items like bags and branded apparel.

Personal information may not be sold, for instance as part of a data bank or mailing list. The sale of personal or government documents, such as credit cards, identification cards, and licenses is also prohibited.

Given associated regulations, lottery tickets, cryptocurrency mining rigs, and current, exchangeable currency and postage may not be sold on BlackSpace. We also prohibit the sale of

financial instruments such as stocks, bonds, and other securities. Handmade items containing any of these items in a usable condition are also not allowed. Collectible postage or currency that priced at less than \$1,000 are allowed unless subject to legal or other restrictions.

Collectible currency may not be offered as 'unsearched' or as a mixed lot of unknown contents. Additionally, due to complex legal restrictions that vary by location, BlackSpace does not permit the sale of real estate, housing, or motor vehicles (for example: automobiles, motorcycles, boats, travel trailers, etc.).

Items may not aid in impersonation. We prohibit realistic items that identify the wearer as an active law enforcement, military, or government official. It is also prohibited to facilitate the impersonation of a ride-share vehicle through the sale of rideshare company decals.

We prohibit items which are intended to evade the detection of illegal activity, such as radar detectors, license plate covers, and materials for faking drug tests.

Items meant to fraudulently deceive others about one's medical status are prohibited. This includes items such as fraudulent test results, or items designating an animal as a service animal. We also prohibit items which deceptively infringe on someone's privacy, such as concealed cameras or tracking devices, and lockpicking devices (unless educational in nature).

6. Internationally Regulated Items

BlackSpace provides a direct connection between buyers in various locations. If you buy or sell an item from another country, or if you enter into a transaction with someone across international borders, you are responsible for complying with laws and regulations of the country of destination as well as your local laws.

More Details:

When buying and selling internationally, you should comply with your local laws and be aware that other countries may have their own restrictions. You might be prohibited from exporting or importing certain items under international laws and regulations. Some transactions may require licenses, permits, or other documentation. If you have questions about how to comply with the law, we recommend that you speak to a qualified professional.

When you use BlackSpace's services, you are also responsible for complying with economic sanctions and trade restrictions, including those implemented by the Office of Foreign Assets Control ("OFAC") of the US Department of the Treasury. All BlackSpace members must comply with our Sanctions Policy, regardless of their location.

BlackSpace reserves the right to request that sellers provide additional information, disclose an item's country of origin in a listing, or take other steps to meet compliance obligations. You should be aware that third-party payment processors, such as Stripe, may independently monitor transactions for sanctions compliance and may block some transactions as part of their own compliance programs. BlackSpace has no authority or control over the independent

decision-making of these providers.

Sanctions or compliance programs may have certain exceptions to their restrictions. For example, while OFAC broadly prohibits transactions involving goods that originate from sanctioned areas, there are exceptions for informational materials such as publications, films, posters, phonograph records, photographs, tapes, compact disks, and certain artworks. Items that don't originate from a sanctioned area but make a reference to a sanctioned area are generally permitted.

A Few Examples of What We Do Allow:

- Items that aren't from Cuba, but are Cuban style, such as "Cuban style fedora hats"
- Informational materials such as art, books, film, photos, or music

Resources: US Office of Foreign Assets Control (OFAC) Sanctions

7. Nudity and Mature Content

As a creative community, we tend to be fairly liberal about what we allow on BlackSpace. That said, we prohibit pornography, illegal or exploitative items, and used intimate items. Beyond that, we allow but place restrictions on mature content so that people who are offended by this kind of material don't have to see it. If you are selling mature content, we ask that you be respectful of differing sensibilities by listing and tagging your items properly.

More Details:

We prohibit items which are not aligned with BlackSpace's brand and values, or which carry legal or other restrictions. Depictions of the sexualization of minors are prohibited. We also prohibit depictions of bestiality, incest, and non-consensual sex.

Pornography of any sort is prohibited on BlackSpace, whereas mature content is restricted. Although pornography can be difficult to define, an item generally qualifies as pornography when it contains printed or visual material that explicitly describes or displays sex acts, sex organs, or other erotic behavior for the purpose of sexual arousal or stimulation.

We define mature content as printed or visual depictions of human genitalia, sexual activity or content, profane language, sexual wellness items, violent images (within reason), and explicit types or representations of taxidermy. Not all nudity is considered mature, and examples are listed below. If you find yourself questioning whether your item is mature, then it is likely a good idea to assume that it is mature content, and you should label it as such.

When deciding whether mature content crosses over the threshold into pornography, we take into consideration the explicitness of depictions of sexual activity or content. You know pornography when you see it, and we expect all sellers to follow this common sense approach.

A Few Examples of What We Do Allow (without restriction):

- Non-pornographic nude photography and depictions of breast (think National Geographic; authentic tribal images)
- Non-pornographic images of buttocks
- Abstract or cartoonish images and depictions (within reason)

8. Violent Items: Items that Promote, Support, or Glorify Violence

We want BlackSpace to be a safe place for everyone. While violent content can be a legitimate part of historical, educational, or artistic expression, it should never be used to promote or glorify violent acts against others.

More Details:

We do not allow items or listings that promote, support or glorify acts of violence or harm towards self or others, including credible threats of harm.

The following items are not allowed on BlackSpace:

1. Items that glorify human suffering or tragedies, including items that commemorate or honor serial killers
2. Items that attempt to exploit natural disasters or human tragedies
3. Items that encourage, glorify, or celebrate acts of violence against individuals or groups
4. Items that encourage self-mutilation, starvation, or other self-harm
5. Items that promote or endorse harmful misinformation

A Few Examples of What We Do Allow:

- Fictional literary artwork (such as zombies, vampires, or other fictional works that tend to contain violence)
- Items that have educational, historical, or artistic value
- Items that show support or bring awareness to those at risk of self-harm, including those with eating disorders
- BDSM items (see our Seller Mature Content Policy)

We hope these guidelines are helpful, but we cannot catalog every permitted or prohibited item. If you see something on BlackSpace that appears to violate these rules, you can report it to us on every listing page.