

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

COMMISSIONERS: Jon Leibowitz, Chairman
Pamela Jones Harbour
William E. Kovacic
J. Thomas Rosch

_____)
In the Matter of)
)
ONYX GRAPHICS, INC.,) DOCKET NO. C-4270
a corporation.)
)
_____)

COMPLAINT

The Federal Trade Commission, having reason to believe that Onyx Graphics, Inc. (“respondent”) has violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent Onyx Graphics, Inc. (“Onyx Graphics”) is a Delaware corporation with its principal office or place of business at 6915 South High Court Drive, Salt Lake City Utah 84101.
2. Respondent is in the business of developing and marketing commercial printing software and solutions for the digital color printing marketplace, including through a website (www.onyxgfx.com).
3. The acts and practices of respondent as alleged in this complaint have been in or affecting commerce, as “commerce” is defined in Section 4 of the Federal Trade Commission Act.
4. Since at least October 2006, respondent has set forth on its website www.onyxgfx.com

U.S.-EU SAFE HARBOR FRAMEWORK

5. The U.S.-EU Safe Harbor Framework provides a method for U.S. companies to transfer personal data outside of Europe that is consistent with the requirements of the European Union Directive on Data Protection ("Directive"). Enacted in 1995, the Directive sets forth European Union ("EU") requirements for privacy and the protection of personal data. Among other things, it requires EU Member States to implement legislation that prohibits the transfer of personal data outside the EU, with exceptions, unless the European Commission ("EC") has made a determination that the recipient jurisdiction's

2009, respondent did not renew its self-certification to the Safe Harbor and was in "not current" status on Commerce website. Exhibit A, Declaration of Damon C. Green

11. Since at least October 2006 to the present, respondent has disseminated cause to be disseminated pewmv