

## Notice of IRC § 338 Election Pursuant to Treasury Regulations § 1.338-2(e)(4)

In 2022, Netflix, Inc., a U.S. resident corporation and taxpayer, acquired all the outstanding shares of Next Games Oyj. Following the posting of this notice, Netflix, Inc. will make elections under Section 338(g) of the Internal Revenue Code of 1986, as amended (the “IRC”) with respect to the acquisition of Next Games Oyj.

Pursuant to Treasury Regulations § 1.338-2(e)(4), if a target corporation subject to an election under IRC § 338, was a “controlled foreign corporation” (as defined in IRC § 957(a)) or a “passive foreign investment company” (as defined in IRC § 1297(a)) at any time during the portion of its taxable year that ends on its “acquisition date” (as defined in IRC § 338(h)(2)), the purchasing corporation generally must deliver written notice of the IRC § 338 election (and a copy of United States Internal Revenue Service Form 8023, including attachments and instructions) to each U.S. shareholder of the target corporation that (i) holds stock of the target corporation on the acquisition date or (ii) sold stock of the target corporation to the purchasing corporation (or a member of its affiliated group) within the “12 month acquisition period” (as defined in IRC § 338(h)(1)). The requirement to deliver written notice of the IRC § 338 election applies only where the IRC § 338 election for the target corporation affects the income, gain, loss, deduction, or credit of the U.S. shareholder of the target corporation pursuant to the United States federal income tax rules applicable to controlled foreign corporations (IRC §§ 951, 951A, and 1248) or passive foreign investment companies (IRC § 1293).

<b>Name, Address, United States Employer Identification Number, and Country of Incorporation</b>			
<b>Purchasing Corporation</b>	<b>Address</b>	<b>United States Employer Identification Number</b>	<b>Country of Incorporation</b>
Netflix, Inc.	121 Albright Way Los Gatos, CA 95032	77-0467272	United States
<b>Target Corporation(s)</b>	<b>Address</b>	<b>United States Employer Identification Number</b>	<b>Country of Incorporation</b>
Next Games Oyj	Aleksanterinkatu 9 A 00100 Helsinki, Finland	N/A	Finland
Next Games GmbH	Bertolt-Brecht-Platz 3 10117 Berlin, Germany	N/A	Germany

**THIS DOCUMENT SERVES AS NOTICE OF AN ELECTION UNDER IRC § 338 FOR THE ABOVE IDENTIFIED FOREIGN TARGET CORPORATIONS, THE STOCK OF WHICH YOU EITHER HELD OR SOLD UNDER THE CIRCUMSTANCES DESCRIBED IN TREASURY REGULATIONS § 1.338-2(e)(4). FOR POSSIBLE UNITED STATES FEDERAL INCOME TAX CONSEQUENCES UNDER IRC §§ 951, 951A, 1248, OR 1293 THAT MAY APPLY TO YOU, SEE TREASURY REGULATIONS § 1.338-9(b). YOU MAY BE REQUIRED TO ATTACH THE INFORMATION ATTACHED TO THIS NOTICE TO CERTAIN RETURNS.**

WHILE PURCHASING CORPORATION COULD NOT CONCLUSIVELY DETERMINE (BASED ON THE INFORMATION MADE AVAILABLE TO PURCHASING CORPORATION) WHETHER TARGET CORPORATIONS WERE CONTROLLED FOREIGN CORPORATIONS INDIRECTLY OWNED BY A U.S. PERSON OR PASSIVE FOREIGN INVESTMENT COMPANIES AT ANY TIME DURING THE PORTION OF THEIR TAXABLE YEAR THAT ENDS ON ITS ACQUISITION DATE, YOU SHOULD CONSULT WITH YOUR OWN UNITED STATES FEDERAL INCOME TAX ADVISOR REGARDING THE POSSIBLE TAX CONSEQUENCES TO YOU OF THE IRC § 338 ELECTION.

If you are required to attach the information included with this Notice, please see the additional documents included in this publication:

- [Next Games Oyj - 2022 Form 8023](#)
- [Next Games GmbH - 2022 Form 8023](#)
- Form 8023 [Instructions](#)

Inquiries relating to this Notice may be directed to [NextGamesTaxElection@Netflix.com](mailto:NextGamesTaxElection@Netflix.com)