

# Schedule 2 – Rules

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## 1 Adherence to Codes

- 1.1 Service Provider must comply with the Telecommunications Carriers' Forum Premium Messaging Services Code (February 2008) and the Telecommunications Carriers' Forum Code of Practice for Provision of Content via Mobile Phones (November 2008) as those codes are updated from time to time, copies of which may be obtained from <http://www.tcf.org.nz> (the "Codes").
- 1.2 Where any Rule set out in this Schedule is inconsistent with either of the Codes, the Rule shall prevail.

## 2 Variation of Service Rules

- 2.1 2degrees may amend these Rules at any time on notice to the Service Provider. Any change to the Rules will not affect any Application Forms approved prior to the change coming into effect.

## 3 Application Process

- 3.1 2degrees is not obliged to provide any reason for accepting, rejecting or imposing any conditions or restrictions on, any Application Form.
- 3.2 The approval of any Application Form does not mean that the service will be immediately provided. Provision of the associated service(s) will be in accordance with the terms of the relevant approved Application Form.
- 3.3 Setting up a VPN Link:
  - (a) To request that a VPN link be implemented between the Service Provider and 2degrees, the Service Provider must submit to 2degrees an accurately completed VPN Application Form, using email or any other 2degrees approved method.
  - (b) 2degrees, at its sole discretion, and subject to the charges set out in Schedule 3 of this Agreement or as otherwise agreed between the Service Provider and 2degrees, may approve the application and set up the 2degrees end of the VPN Link.
  - (c) Unless otherwise agreed between 2degrees and the Service Provider, the Service Provider will be eligible to obtain one SMPP Account to be used via the VPN Link, provided that the Service Provider has complied with the rules set out in Section 3.4 of this Schedule.
- 3.4 Setting up an SMPP Account:
  - (a) To request an SMPP Account the Service Provider must submit to 2degrees an accurately completed SMPP Account Application Form, using email or any other 2degrees approved method.

- (b) 2degrees, at its sole discretion, and subject to the charges set out in Schedule 3 of this Agreement or as otherwise agreed between the Service Provider and 2degrees, may approve the application and set up the SMPP Account.

### 3.5 Setting up a Short Code

- (a) To request provisioning of a Short Code the Service Provider must submit to 2degrees an accurately completed Short Code Application Form, using email or any other 2degrees approved method.
- (b) Where the Short Code relates to a Charity Service, the Service Provider must comply with the Rules for Charities set out in paragraph 4 of this Schedule.
- (c) 2degrees, at its sole discretion, and subject to the charges set out in Schedule 3 of this Agreement or as otherwise agreed between the Service Provider and 2degrees, may approve the application and set up the Short Code.

## 4 Charity Services

- 4.1 If a request for a Charity Service has been approved, the Charity Service must run for a maximum of 12 consecutive months.
- 4.2 2degrees' Charges for a Charity Service are set out in Schedule 3, Part 3. In the event of 2degrees incurring Domestic Roaming Charges in the provision of a Charity Service, 2degrees reserves the right to charge the Service Provider a fee equal to the Domestic Roaming Charges, or withhold an equivalent amount from the User Charges payable to the Service Provider under this Schedule.
- 4.3 Subject to clause 4.2, 2degrees will pay the Service Provider all User Charges paid to 2degrees in respect of the Charity Service without deduction within 60 days of the end of the month in which payment has been received from the User.
- 4.4 Where an Application Form specifies that the Message Service is a Charity Service, the Service Provider must, prior to submitting the Application Form:
  - (a) verify, to 2degrees' satisfaction, the registered status of the relevant Charity;
  - (b) provide to 2degrees a copy of the trust deed, or other constitutional document, of the Charity or a letter from the IRD confirming the Charity's tax exempt status.

## 5 Chat Services

- 5.1 The Service Provider must only host moderator-based Chat Services and the Service Provider must send all Chat Service Messages sent by Users to the moderator of the Chat Services.

## 6 Subscription Message Services

- 6.1 Every paid subscription service (being a service where the User pays User Charges to send and / or receive messages) applied for on or after 23 October 2010 must require the intending User to send an SMS from the MSISDN that is being subscribed in order to opt in. The Service Provider must enforce that requirement.

## 7 General Rules

### 7.1 Removal of MSISDNs:

- (a) 2degrees may from time to time provide the Service Provider with a list of MSISDNs that must be removed from all databases owned or controlled by the Service Provider within 3 working days of the list being sent to the Service Provider.
- (b) Where the Service Provider's attempt to send a Message to a customer results in a delivery receipt showing permanent failure (and the failure is not due to insufficient credit), the Service Provider will immediately remove that MSISDN from all the databases owned or controlled by the Service Provider.

- 7.2 The Service Provider must ensure that no User of subscription Message Services is charged more than \$30 (including GST) or sent more than 7 messages in any consecutive 7 day period.

- 7.3 The Service Provider must provide 2degrees with the option to review and provide input into all advertising material used to promote any Message Service.

- 7.4 Unless otherwise agreed between the parties, each month the Service Provider must provide 2degrees with a report itemising each MSISDN that has been subscribed to or unsubscribed from each Message Service in the previous month (**Subscription Report**). The Service Provider must provide 2degrees with a Subscription Report no later than the 10th day of each month.

- 7.5 In addition to the requirement in clause 7.4, 2degrees may, at any time, require the Service Provider to provide 2degrees with a Subscription Report itemising each MSISDN that has been subscribed to or unsubscribed from each Message Service, current up to the date of 2degrees' request. The Service Provider must provide 2degrees with that Subscription Report within 3 Business Days of 2degrees' request.