



# “SMS MESSAGE” – SPECIFIC TERMS APPLICABLE UPON ORDERING OF SMS MESSAGE SERVICE BY THE CLIENT

(01/08/2021)

**“SMS MESSAGE” – SPECIFIC TERMS APPLICABLE UPON ORDERING OF SMS MESSAGE SERVICE  
BY THE CLIENT**

*(Online as of August 1, 2021)*

**1. Contractual Terms**

**By providing and using the SMS Message Service, each party respectively agrees to bind to these Specific Terms that are fully integrated in the Contract between the Client and Selligent. In case of discrepancy between these Specific Terms and the Contract, these Specific Terms shall prevail.**

**2. Scope and liabilities**

**2.1.** Selligent, in its quality as reseller pursuant to a reselling agreement with a marketing message service supplier (hereafter the “Supplier”), will provide the Client with marketing messaging service supplied through the Supplier’s messaging and marketing platforms, the Supplier’s network infrastructure and a direct or indirect connection to the international mobile network described in Annex 1 to reach customers and companies’ customers in the countries outlined in the Service Order between Selligent and the Client.

**2.2.** Client shall ensure that customers and companies’ customers’ numbers are correct and reachable.

**2.3.** Selligent may temporarily suspend the Service if maintenance of the Supplier’s platforms is needed or if any technical problem arises, giving a prompt advice, when possible according to the nature of the problem arisen, to the Client. The Supplier will anyway provide its best effort to shorten any maintenance’s intervention.

**2.4.** The dispatching in some Countries may be affected depending on national or international regulatory bodies’ provisions

**2.5.** Client always assumes the responsibility of the text, links, numbers and in general of any content of the SMS (the “**Contents**”) sent through the SMS Message Service.

**2.6.** Client warrants and undertakes that it will use the SMS Message Service for lawful purposes and comply with all applicable laws and regulations relating to the sending and Contents of its SMS, including but not limited to, according to countries, the obligations on specific days and times for sending marketing SMS, clear indication in the SMS of the opt-out option for the customer who wants to opt-out from the Client database to avoid receiving further messages, customer’s pre-contractual information, prohibition over contents, sender’s alias pre-registration on Authorities databases, respect of law and order; (ii) provide promptly any information relating to the contents, reasonably requested by Selligent or requested by any network operator and/or legal, governmental, regulatory or statutory authority; and (iii) immediately comply with such directions as may be issued from time to time by a network operator and/or legal, regulatory, governmental and/or statutory authority in relation to the contents and will fully cooperate with Selligent’s request for assistance in conforming the Services to any new requirements or determinations. Client will immediately inform Selligent if any third party makes or threatens any claim or action against it, or Selligent.

**2.7.** Client hereby agrees to the transfer of Personal Data to the extent necessary for the provision of the SMS Message Service.

**3. Orders for Companies**

**3.1.** Purchase requests for the Service submitted by the Client for itself or on behalf of Companies (“**Request**”) shall be in writing and sent to Selligent.

**3.2.** Request shall contain the following:

- a) Requested SMS volumes;

- b) Requested Countries of delivery of the SMS;
  - c) Requested date of activation of the SMS Message Service;
  - d) Requested alphanumeric indicators for identifying the calling party in SMS to be used for corporate messaging services ("**Alias**") pursuant to the provisions set forth by the AGCom (*Autorità per le Garanzie nelle Comunicazioni*) in its regulation 42/13/CIR as most recently amended by regulation 306/20/CIR.
- 3.3.** Selligent will then provide the Client with the Company account (user ID and password) to use the SMS Message Service.