

Terms & Conditions T&C-D025B BlackBerry Smartphone Contract Term

1) Term

The contract term ("Term") is specified in the Sales and Services Agreement and start from the service effective date.

2) Service Plan

2.1 The Customer shall use the following applicable Service Plan and services during the Term:

- a) the Service Plan specified in the Sales and Services Agreement or a service plan with monthly fee above the Service Plan amount specified in the Sales and Agreement.

3) Data Services for Integrated Voice and Data Plan ("the Data Services")

3.1 The data usage applies to local use only. \$0.12/KB roaming data charge in all countries applies during roaming. If Customer subscribes to BlackBerry Roaming Data Plan, the roaming data charge shall follow the BlackBerry Roaming Data Plan.

3.2 The Customer must use the Data Services with settings [including but not limited to the APN setting (only applicable to data services)] and devices specified by the Company. Customer can check with the Company's front-line staffs for the latest information on setting and devices. If the Customer does not follow this specification in the use of the Data Services, the Company has the right to forthwith suspend / terminate the Data Services without notice. Also the Company has the right to charge the Customer use of the Data Services at the Company's prevailing rate.

4) Fair Usage Policy

4.1 The following terms and conditions apply to telecommunication services ("Services") provided by SmarTone Mobile Communications Limited ("the Company").

- a) The Company will ensure the system resources of the Company's telecommunications network ("Network") is equitably allocated amongst users ("Users") of the Services.
- b) Customer who has reached the monthly local data fair usage level specified by the Company from time to time can still continue to use the Services. However, the Customer will be given lower priority to access the network resources for the remainder of the billing period, where the Customer's experience may be affected when the network traffic is busy, but in any event the data access speed (upload and download) will not be restricted to less than 128kbps.