



SMSwarehouse Incorporated

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Dear clients,

According to Paypal and Moneybookers (Skrill) anti-fraud recommendations, we now require clients to verify their identity in writing in order to avoid charge backs.

Please print, complete and sign the form below, scan and email to billing_at_smswarehouse.com and include a copy of your identification such as drivers license or identification document.

We also include our Terms and conditions with this document to ensure that you read and understood all our policies.

This is a once-off requirement and we place all client documentation on file in case of disputes.

We appreciate your co-operation in this matter.

Kind regards

SMSwarehouse Inc. Management



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_____/_____/2012

RE PAYPAL TRANSACTION AUTHORISATION

To whom it may concern,

I, the undersigned herewith confirm that I am the account holder of Paypal or Moneybookers/Skrill account using email address:

_____@_____ and I include a copy of my identification.

I hereby confirm that I am ordering SMS services from SMSwarehouse Incorporated and that I read, understand and accept the [Terms and conditions](#), [Refund policy](#), [Anti-spam agreement](#) and [Privacy policy](#) as set out on the www.smswarehouse.com web site.

I also instruct SMSwarehouse Inc. To use the following address, telephone number and Email address for invoicing purposes:

Address: _____

Telephone: _____

_____@_____.

Kind regards

Name: _____

Signature: _____



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Terms and conditions:

These are general terms and conditions and might vary slightly based on the route supplied. Please ensure that you read and understand the terms or contact us if you are not clear on any of the points. By signing up for an account, verifying such SMS account registration it is understood that you read and accepted these terms and conditions. Please contact SMSwarehouse Inc. (E-SPECTATIONS CONSULTING CC) if any of the points are not clear.

1. **Payment terms:**

Strictly prepaid – an invoice in your (Euro only) will be supplied after testing and acceptance of quotes, signing up for a test account and sending SMS. South African clients will be invoiced in South African Rand and 14% South African VAT will be charged (VAT no: 4040259578). No VAT applies when cross-border transactions are done and when clients are invoiced by SMSwarehouse Inc. in International currency.

2. **Bank Charges:**

The Invoice amount that will be transferred should exclude all bank & correspondent bank charges & commissions. We will appreciate it if you advise your bank that the recipient (SMSwarehouse Inc. or E-SPECTATIONS CONSULTING CC) should not be charged any commissions, telex transfer fees or any other fees. Credits will be allocated based on the exact amount we receive in our account.

3. **Payment Methods:**

Paypal:

All prices are final prices without any other taxes or interconnection fees – we accept payments in Euro and USD – please refer to www.xe.com for conversion into other currencies. We also accept credit card payments using <http://www.paypal.com> or www.moneybookers.com - the email address to use will appear on the invoice we issue – please quote your username in the reference area so that we know which account to allocate credits to and update.

Credit card payments:

We do not have credit card facilities available. Please use Paypal or Moneybookers / Skrill.

EFT bank transfers:

Please note that we will allocate credits on receipt of funds. Please allow 3-4 working days for the banks to complete the transfers. Our bank is Barclays International Seychelles where we hold an International Euro and Dollar account. Please note that we do not have an IBAN number as the bank is outside the European Union. We will provide all clients with invoices with the banking details upon request for invoices.

South African clients:

South African clients that pay in Rand will be issued with an invoice and the payment should reflect the invoice number on the deposit slip. Our local bank is ABSA and bank details will be on the invoice we provide.



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4. Refund policy:

by the SMS-C's.

We will refund unused credits only if there are no backup routes to your destination.

All clients will be presented with alternative working routes if a specific route got blocked. Please note that the price of backup routes may differ from original pricing.

SMSwarehouse Inc. (E-SPECTATIONS CONSULTING CC) will only refund unused credits if clients request a refund within 7 days from the date that you purchased the credits.

Unused credits will be refunded on the following conditions:

1. We will disable your account and draw reports based on the last SMS sent.
2. You will be notified of the remaining credit in your account.
3. 10% of the refund amount will be deducted as administrative fees
4. Bank and other charges will be for your account.

Please contact us to request your refund. Please remember to include your SMS username.

All messages that pass through the SMS gateway are charged for irrespective of delivery as we are charged for it

Price changes:

Prices quoted may change without notification as networks change pricing, open and block routes at free will and at times do not notify us – we do however give all price advantages that we get through to our customers and endeavor to inform clients that prices have changed via email notification.

5. Price volumes and discounts:

Price volumes are based on traffic per country and not for overall traffic in all countries. SMSwarehouse Inc. (E-SPECTATIONS CONSULTING CC) retains the right to change this based on price changes at SMSC-level.

6. Hidden costs and other fees:

No setup fees, no monthly fees, no hidden costs. Please however note that binary, concatenated Unicode and Concatenated English messages may use more than one credit when it exceeds the message length limitations as set by GSM standard. It is the clients' responsibility to test the system and ensure that the 5 free test credits are used to test all instances of sending messages. There is no charge for the use of our desktop tool and handset application which is available for download once you registered for an account.

7. Testing and confirmation of pricing and availability:

All routes quoted are subject to testing and confirmation of pricing and availability - please also note that some governments for example India change legislation that will impact on the ability to send SMS to these destinations. Please familiarize yourself with the telecoms laws in your country prior to registering for an account.

8. Content restrictions and code of practice:

No spam, spoofing, phishing, adult content/porn or profanity/offensive material is allowed on any of our routes. Please ensure that you read and understand our [anti-spam agreement](#) and procedures related to breach of this agreement.



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A copy of the GSM Association's Code of Practice is available at : [GSM World Code of practice](#). It is the clients' responsibility to ensure that messages comply to local or National laws as it differs from country to country. Please familiarize yourself with the laws in your country before you send SMS.

9. **Sender id or message originators:**

Sender id restrictions exist in certain countries and networks. Please read the documentation we provide or consult our online staff if in doubt. In general, short codes require special routing and permission so please do not use 5-6 digit numbers in the sender id. Keep originators/sender id's to 11 digits minimum. Please familiarize yourself with your local Telecommunication laws.

10. **Methods to send:**

You can connect to our gateway through SMPP or HTTP to submit your SMS with speeds of up to 30sms/sec depending on the routes used. The use of our gateway is free of charge. We also have a web interface with reseller facilities which could be used at no additional cost. Our wallet system allows us to pass any discounts on a specific network on to the client as credits may be deducted in monetary value versus credits. SMPP Clients have to provide us with an IP to add to our firewall. The use of the web interface, desktop tool and handset application is available at no additional cost.

11. **Testing:**

Each client that register and verify their account will receive 5 credits to test with. The purpose of the test credits is to test and get familiarized with the system and contact support if you have any questions or do not understand how to use the system.

As a general rule, before you send a huge bulk you need to check delivery to the networks you want to send to in order to confirm that all routes are delivering. SMSC's do not inform us when routes are blocked and this will ensure safe delivery of your messages.

12. **Validity / Expiry of messages and credits:**

There is no expiry on messages unless stipulated otherwise – please however note that we do not recommend that clients purchase more messages than what would be used in 30 days due to networks that could block commercial routes at any point in time. In case of blocking or unavailability of routes point 13 will apply but please note that price may differ.



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13. Blocking / unavailability of routes:

The following will apply should any link or route be taken down - credits will remain in client accounts until such time that a replacement route can be found. Pricing will be presented to client if there is a difference and credit in the account will be adjusted accordingly. Please ensure that you read and understand our refund policy.

14. Economy routes (Fix id no delivery reports):

The use of Economy routes where there are fixed sender id's and no delivery reports are at the clients' own accord as we do offer dynamic sender id routes with delivery reports subject to the signing of anti-spam agreements.

15. Message charges and delivery receipts:

Every message that passes through our server onto the SMS-C is charged for as we are charged for the messages received by the SMS-C, irrespective of delivery to handset. Clients requiring confirmation of delivery should please avoid using economy routes and focus on higher priced dynamic sender id routes with delivery confirmation.

16. Retry scheme:

Dynamic sender id routes with delivery reports all include a 24 - 72 hour (network dependent) retry scheme. It means that if a subscriber is out of range or the phone is switched off the system will retry delivery. If the subscriber does not switch their phone or get into range of the GSM network within the 24-72 hour period, the message will be discarded.

17. Latency or delays on routes:

Please note that some routes might experience delays when there are high volumes/congestion on the routes. This may occur during the festive season and or specific public holidays or events. SMSwarehouse Inc. has no control over the delivery of the SMS once it passes through the gateway. Wherever possible we provide features of the specific routes and it is up to clients to test routes and familiarize themselves with delays that may or may not occur on routes.

Economy or fixed id routes are not recommended for time critical messages. Clients should also test routes prior to sending any batches to familiarize themselves with the latency on a route that may occur on that specific day.

Please use only high quality dynamic sender id routes with delivery reports for time critical messages.

18. Error and status codes:

All clients are supplied with a web login whether you use SMPP, HTTP, handset application or the desktop application. A full list of codes is available under downloads in the HTTP API PDF documentation once you log into your account - the following error codes are used for delivery reports:

ERROR - HTTP01 --> Invalid HTTP URL Format
ERROR - HTTP02 --> Invalid query string
ERROR - HTTP03 --> Message Submission Failed
ERROR - HTTP04 --> Invalid Password
ERROR - HTTP05 --> Invalid System ID
ERROR - HTTP06 --> Invalid Sender ID
ERROR - HTTP07 --> Invalid Type
ERROR - HTTP08 --> Invalid Message ID
ERROR - HTTP09 --> Invalid Destination Address
ERROR - HTTP10 --> Invalid number of messages
ERROR - HTTP11 --> Requested service is unavailable
ERROR - HTTP12 --> Submit Failed
ERROR - HTTP13 --> Query request failed
ERROR - HTTP14 --> Bind failed
ERROR - HTTP15 --> Not Authorized for the request.



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ERROR - HTTP16 --> Invalid Request
ERROR - HTTP17 --> Invalid Message Length.
ERROR - HTTP18 --> INSUFFICIENT CREDITS/BALANCE.
ERROR - HTTP19 --> Invalid DATA CODING SCHEME.
ERROR - HTTP20 --> Invalid ESM .

Status codes:

MSGSTATUS - CP --> Message ACCEPTED and is under processing.
MSGSTATUS - ATES --> Message is SUBMITTED to the SMSC.
MSGSTATUS - DELIVRD --> Message is DELIVERED to destination.
MSGSTATUS - EXPIRED --> Message validity period has EXPIRED.
MSGSTATUS - REJECTED --> Message is REJECTED.
MSGSTATUS - UNDELIVERED --> Message is UNDELIVERABLE.
MSGSTATUS - DELETED --> Message is in DELETED STATE
MSGSTATUS - UNKNOWN --> Message is in UNKNOWN STATE
MSGSTATUS - INVALID --> Message is in INVALID STATE

19. IVR and premium number campaigns:

Any route used where performance is measured by responses will work as follow (IVR or premium number campaigns):

Any message that passes through our server will be charged for regardless of delivery to handset as we will be charged for the messages by the SMS-C. We hereby disclaim ourselves from handset delivery as we have no control over handsets which may be out of range, stolen, wrong numbers may be used or any other circumstance related to handsets which we have no control over. It is up to the party sending the SMS to ensure that numbers are valid, handsets are switched on and within range when sending the SMS. No refunds will be made on campaigns should there be no handset owner response. It is up to the client to use hlrlookup to verify numbers before sending campaigns. Please contact our sales team should you require such a service.

20. Confidentiality / Privacy policy:

Information submitted via our SMS gateway or web site will not be used sold or distributed in any way. Clients have to opt-in to receive news and updates and could opt-out at any point in time on the [web site](#).

SMSwarehouse Inc. (E-SPECTATIONS CONSULTING CC) is bound by law to disclose certain information to operators if there are complaints submitted by any operator as stated in our [anti-spam agreement](#) - such information will pertain only to the messages, dates and times and content that was sent by the users and we have to access our database and provide operators with such information by law. We may disclose personal information to respond to legal requirements, enforce our policies, respond to claims that specific content infringes the rights of others, or protect anyone's rights, property, or safety.

We respect all clients' privacy and do our utmost best to secure information. Clients have to ensure that they secure their data and servers on their side as SMSwarehouse Inc. only has control of its servers and data on the gateway side and therefore could only secure information on our side.

By registering for an account, verifying such account and sending SMS, SMSwarehouse Inc. (E-SPECTATIONS CONSULTING CC) requires certain personal information such as Name and Surname, Email address, Mobile number, username, password and IP address. We also require a physical address, Telephone number, Email for invoicing purposes. By registering for an account you agree to submit such personal information for purposes of use by SMSwarehouse Inc. (E-SPECTATIONS CONSULTING CC) and agree that the information submitted might be used for the following:

- Trouble shoot problems,
- Personalize our services to you, the client,
- Prevent any illegal activities as stated in our legal documentation,
- Inform you, the customer about offers, new services and news based on your preferences as well as marketing of our products and services,
- Compare and verify information with third parties as and when required.



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Please note that SMSwarehouse Inc. (E-SPECTATIONS CONSULTING CC) keeps records of all online conversations and communication for our own record purposes and will not disclose such information unless legally required.

This privacy policy may be amended from time-to-time based on legal requirements and changes in various laws. Clients that [subscribe](#) to our services will be notified of these changes.

21. **Message Content and Anti-Spamming Policy**

1. The client shall only send permission based content and promotional messages via the assigned messaging service provided by SMSwarehouse Inc. If the client breach the obligations herein provided, then SMSwarehouse Inc. shall suspend the service to the client accordingly without any refund of remaining credit.
2. The client undertakes that it will not knowingly use the services for any illegal, immoral or improper purpose or in whatever manner which contravenes any third-party rights, any laws or requirements of a Regulator in the appropriate jurisdiction, or in any way which is indecent or offensive or in any way that could be considered as spamming and undertakes not to allow any third party to do so. The following types of messages are not allowed and will be considered spam:
 - Defamatory content
 - Content containing threats to kill or harm
 - Messages containing ethnic, racial or religious hate.
 - Routing of traffic from automated "chat" systems or other applications of pornographic nature
 - Routing traffic from applications that allow an individual user to set the source address in the message to a value different from that user's verified mobile telephone number or 1 Alphanumeric source address per private user (anonymous traffic) for the deliberate distribution of messages which may cause a disruption of the operational capacity of mobile handsets or enable third parties to attempt to use the service
 - Any message containing content that knowingly will mislead the handset owner to respond to a premium, IVR or any other number.
3. Clients undertake to obtain sufficient proof of permission or opt-in from handset owners to receive the messages sent to them. Acceptable proof entails web form submissions where the actual date and time plus mobile number for which permission is obtained is captured.
4. Handset owners should also be provided with an opt-out option at all times and this should be included in the messages sent. Opt-out options could be automated removal from database via web submission or a number to call where they could request that they be removed from the database.
5. Action should operators question legality of messages sent:
 - a. SMSwarehouse Inc. will suspend the user's account pending outcome of the investigation.
 - b. Sample messages sent will be submitted to the operator including proof from the client that permission was obtained from the handset owner to send the SMS.
 - c. Once all proof has been submitted and operator clears SMSwarehouse Inc. the clients' account will be activated and submission of messages may continue.
 - d. Should clients be found guilty of sending spam knowingly or unknowingly, the account will remain closed and remaining credits will be forfeited.
6. The client shall hold SMSwarehouse Inc. harmless and indemnify and keep SMSwarehouse Inc. indemnified in the event that SMSwarehouse is penalized or claims, demands, actions or administrative proceedings have been bought against SMSwarehouse Inc. due to non-compliance of the clause stated herein. As an illustration, in the event that SMSwarehouse Inc. is penalized or claims, demands, actions or administrative proceedings have been bought upon by other regulatory bodies as well as the mobile operators of the specified countries, including but not limited to delivery or unsolicited SMS, then SMSwarehouse Inc. shall have the right to claim from the client all amount paid as penalties and/or claim all costs and expenses accrued to answer such claims, demands and or administrative proceedings.

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