

My Mobile Consumer Protection Rights Notice

1. Applicability

My Mobile Limited (My Mobile) is a privately held company incorporated in and subject to the laws of England and Wales.

My Mobile offers worldwide airtime auction services online at <http://www.trada.net>. As these services are available to South African consumers, My Mobile endeavours to comply with South African legislation where relevant.

Additionally, My Mobile subscribes to the Code of Conduct of the Wireless Application Service Providers Association of South Africa (WASPA <http://www.waspa.org.za>). A copy of the Code is available at <http://www.waspa.org.za/code/codeconduct.shtml>.

The primary objective of the WASPA Code of Conduct is to ensure that members of the public can use mobile services with confidence, assured that they will be provided with accurate information about all services and the pricing associated with those services.

South African consumer protection rights arise largely from the Constitution of South Africa 1996, the Consumer Protection Act, 68 of 2008 and Chapter VII of the Electronic Communications and Transactions Act, 25 of 2002.

This Consumer Protection Rights Notice has legal force and effect in terms of section 11 of the Electronic Communications and Transactions Act, 25 of 2002.

2. Purpose

My Mobile is committed to ensuring the protection of your rights as a consumer in terms of South African law.

The purpose of this My Mobile Consumer Protection Rights Notice is to inform visitors to the Website located at <http://www.trada.net> about how we treat you as a consumer and to inform you about your rights.

THIS CONSUMER PROTECTION RIGHTS NOTICE IS SPECIFIC TO THE ONLINE AIRTIME AUCTIONS CONDUCTED BY MY MOBILE AT [HTTP://WWW.TRADA.NET](http://www.trada.net)

If you feel we are not meeting our obligations to you please contact the My Mobile Consumer Protection Officer directly. Contact details are provided below.

3. The Consumer Protection Act, 68 of 2008

Sections of the Consumer Protection Act relevant to My Mobile's online airtime auctions summarised below have been reproduced from the website <http://www.thedti.gov.za> of the Department of Trade and Industry, Republic of South Africa, with minor amendments. This summary must be read with the Act and the Regulations www.smartcalltech.co.za to the Act. Specific rules of auction and terms and conditions between consumers, as users of My Mobile's services and My Mobile, are available at www.smartcalltech.co.za; www.trada.net.

The Consumer Protection Act, 68 of 2008 (CPA) has been legislated to

- Promote a fair, accessible and sustainable marketplace for consumer products and services.

3.1 Who may lodge consumer complaints

- An individual;
- An authorised person acting on behalf of another;
- A person acting as a member of, or in the interests of, an affected group or class; or
- A person acting in the public interest.

3.2 The Act applies to the following

- Every consumer transaction, which includes My Mobile's online airtime auctions, which occur in the Republic of South Africa.

3.3 The Act does not apply in respect of

- Certain exclusions are made, but these do not include My Mobile's goods and services.

3.4 Implementation date

The Act became effective in 2 phases and as from 31 March 2011 has been in full force and effect.

3.5 Who is a 'consumer'

Consumers, in relation to My Mobile's airtime auctions, are individual natural persons (human beings) and not juristic persons such as companies, trusts and partnerships. Our rules of auction only allow natural persons to bid on My Mobile at <http://www.trada.net>.

3.6 What are consumer rights

The Bill of Rights in the 1996 Constitution of South Africa enshrines the rights of all South Africans, including their consumer rights. The Consumer Protection Act details the key consumer rights, which include the following:

- Right to equality in the consumer market and protection against discriminatory marketing practices;
- Right to privacy;
- Right to choose;
- Right to disclosure of information;
- Right to fair and responsible marketing;

- Right to fair and honest dealing;
- Right to fair, just and reasonable terms and conditions;
- Right to fair value, good quality and safety; and
- Right to accountability by suppliers.

My Mobile is committed to respecting your rights as a consumer. Our terms and conditions for use of the My Mobile website at <http://www.trada.net> and related marketing or direct approach to you have been drafted with the objective of achieving this.

4. The 9 consumer rights

4.1 Consumer right number 1

4.1.1 Right to equality in the consumer market and protection against discriminatory marketing practices

- You have a right to free and unlimited access to high-quality goods and services that are fairly priced;
- If you think that we are discriminating unfairly against certain persons or groups, you may lodge a complaint with the Equality Court of South Africa; and
- You should be aware that My Mobile has a duty to discriminate against certain persons, such as persons under the age of 18 years of age.

4.2 Consumer right number 2

4.2.1 Right to privacy

- You have a right to restrict and to discontinue receipt of direct marketing. Our terms and conditions for use of the My Mobile website at <http://www.trada.net> and related marketing or direct approach to you have been drafted with the objective of achieving this, informing you of your right to a pre-emptive block of any approach from us and by providing you with the option to opt-out at any time from communications agreed to previously.

4.3 Consumer right number 3

4.3.1 Right to choose

- You have the right to select any online airtime auction provider and to ‘shop around’ for the best prices. No service provider may force you to enter into additional (‘bundled’) agreements or agreements with third parties;
- You have the right to cancel direct marketing contracts within the ‘cooling-off’ period five (5) business days, and may, depending on the circumstances receive a refund within fifteen (15) business days;
- You have a right to ‘examine’ My Mobile’s goods. We have provided a special ‘Play for Fun’ facility on the Website to ensure that you can do this. The ‘Play for Fun’ facility will help you decide whether you really wish to buy bids and participate in our auctions; and
- You have a right not pay for unsolicited goods and services (spam).

4.4 Consumer right number 4

4.4.1 Right to disclosure of information

- You have a right to sales and transaction records. My Mobile will meet all legal requirements relating to the creation, management and storage of records. Where we are required to provide, or prevent access to records, we will do so in compliance with law; and
- You have a right to know if we work with ‘intermediaries’ and if so, who they are. You have a right to know who will deliverer the pre-paid certificates, credits or vouchers due to you. My Mobile undertakes to provide you with this information when appropriate and to ensure that deliverers, will display name badges or similar identification when delivering goods.

4.5 Consumer right number 5

4.5.1 Right to fair and responsible marketing

- You have a right to fair and responsible marketing, which includes the information published at <http://www.trada.net>. My mobile is committed to fair and responsible marketing that will not mislead, deceive or ‘bait’ you into entering any transaction. We

will also inform you when advertising, if there are any limitations in respect of the availability of goods or services;

- My Mobile, as an English company, offers its services in the English language only. Your corresponding obligation is to ensure that you understand English sufficiently and are legally competent to enter into binding agreements;
- You have a right to protection against ‘negative option’ marketing. My Mobile will protect you by always ensuring that the choices you make will be based on you being required to deliberately opt-in. In certain instances, we will even require a second opt-in to further protect you; and
- You have a right to protection in terms of trade coupons and similar promotions. Where My Mobile makes such offers, for example, in offering ‘free sayings’, we have ensured that these are available and that we have properly explained what is involved.

4.6 Consumer right number 6

4.6.1 Right to fair and honest dealing

- You have a right to ethical and proper behaviour. My Mobile is committed not to take advantage of consumers, especially those who are unable to protect their interests. My Mobile will never use physical force, coercion, undue influence, pressure, duress, harassment, unfair tactics or other similar conduct against consumers;
- You have a right to protection against false, misleading or deceptive representations and protection against fraudulent schemes and offers;
- My Mobile’s online airtime auctions are not like traditional auctions. My Mobile offers three kinds of auctions:
 - *Timer Auctions* - counts down one second at a time. When you bid the Auction price increases and a small amount of time is added to the clock in order to give other users a chance to bid. If you are the current bidder when the clock reaches 0, you win
 - *Count Auctions* - are where the stated number of bids will end the auction. For example the 10th or 20th Bid wins. When you bid on this auction only you will be informed which bid you are. If you are the required bid number, you win

- *BID-2-WIN auctions* - give an instant response to every bid. The next bid might unlock a prize. You can use more than one bid at the same time to increase your chances of winning
- My Mobile does not auction goods or services in 'lots'. Each auction is a separate auction; and
- My Mobile does not offer auctions subject to a reserve or upset price.

4.7 Consumer right number 7

4.7.1 Right to fair, just and reasonable terms and conditions

- You have a right to protection against unfair, unreasonable and unjust contract terms. Our terms and conditions for use of the My Mobile website at <http://www.trada.net> and online airtime auctions have been drafted with the objective of achieving this. My Mobile will provide you with prior written notice of clauses in agreements that may constitute potential risk or liability. We will do this through notices on our website that make it easy for you to see potential risk or liability by using **larger, bold or CAPITALISED fonts**;
- You have a right to approach a court to ensure fair and just conduct, terms and conditions; and
- If you are not satisfied with the outcome of the National Consumer Tribunal's investigation (see 5 below) into unethical, improper, unjust or unfair conduct you may approach a court of law for relief.

4.8 Consumer right number 8

4.8.1 Right to fair value, good quality and safety

- You have a right to safe goods and high quality services which include timely performance, notice of unavoidable delays and the remedying of defects in the quality of services performed and goods supplied. You may in certain circumstances be entitled to a refund. My Mobile is committed to providing you with high quality goods and services. If you think that we are not doing this, please contact us. Details are provided below.
- Your corresponding obligation relating to the safety of using My Mobile's online auction services is that you must participate responsibly and not bid for more than you can

afford. Online auctions of this nature can be addictive, so it is up to you to manage yourself responsibly or seek assistance.

4.9 Consumer right number 9

4.9.1 Right to accountability by suppliers

- You have a right to protection with regard to pre-paid certificates, credits, vouchers and access to pre-paid services and service facilities. My Mobile uses these and similar devices when you buy bids. We acknowledge that these have value and that the value belongs to you. We are committed to complying with law and to exercising due diligence, care and skill in the protection of your property.

5. Where to complain

The Consumer Protection Act aims to promote consumer protection and awareness. This Act gives rise to the establishment of the National Consumer Commission, a body assigned to investigate consumer complaints.

Complaints can be lodged with the National Consumer Tribunal, which was created by the National Credit Act and is responsible for the adjudication of violations and transgressions of the National Credit Act and the Consumer Protection Act.

Department of Trade and Industry (DTI) – Complaints	
Consumer helpline via the DTI Customer Contact Centre	0861 843 384
The DTI Office of Consumer Protection (OCP)	+27(0)12 3941436 / 1558 / 1076
The DTI email address	contactus@thedti.gov.za
The DTI website address	http://www.thedti.gov.za

National Consumer Tribunal (NCT) - Complaints	
The NCT phone number	+27 (0)12 663 5615
The NCT email address	Registry@thenct.org.za
The NCT website	http://www.thenct.org.za/

National Consumer Commission (NCC) - Complaints	
The NCC phone number	0860 266 786

The NCC email address	ncc@thedti.gov.za
The NCC fax number	0861 515 259

Additionally, complaints can be made to industry bodies as follows:

The Wireless Application Service Providers Association (WASPA) - Complaints	
The WASPA phone number	+27(0) 476 7710
The WASPA email address	complaints@waspa.org.za info@waspa.org.za
The WASPA website	http://www.waspa.org.za/code/complaint.shtml
The WASPA fax number	086 606 2016

The Direct Marketing Association of South Africa (DMASA) - Complaints	
The DMASA phone number	+27(0)11 781 8032
The DMASA email address	info@dmasa.org
The DMASA website	http://www.dmasa.org
The DMASA fax number	+27(0)11 326 1198
The DMASA National Opt-Out Register	http://www.nationaloptout.co.za

6. My Mobile Consumer Protection Officer

My Mobile has appointed a dedicated Consumer Protection Officer in South Africa who is responsible for the processing of complaints made directly to My Mobile or in connection with a formal complaint to the National Consumer Commission or other regulatory authority.

In the event of a complaint, we encourage you to contact us directly. Our policy is to promote the resolution of consumer protection complaints as the quickest and most satisfactory way of resolving complaints. Details are provided below on how to contact the My Mobile Consumer Protection Officer.

My Mobile Consumer Protection Officer(s)	
Name	Lorinda Wepener
Phone number	+27 (0)82 998 1145
Fax number	+27 (0)86 650 1081
Email address	Lorinda@smartcalltech.co.za

7. Corporate Information and How to Contact Us

My Mobile Limited	
Name	My Mobile Limited
Legal status	Privately held company
Physical address and the address for receipt of legal service of documents	Charter Place 23 / 27 Seaton Place St Helier Jersey JE1 1JY
Postal address	Charter Place 23 / 27 Seaton Place St Helier Jersey JE1 1JY
Phone numbers	+44 (0)1524 835 835
Facsimile number	+44 (0)1534 835 888
Website address	http://www.trada.net
Email address	enquiries@UVLtrading.com
Company registration number	1346104
VAT registration number	4780246692
Place of registration	Jersey
Directors and office bearers	Richard Michael Kearsney Brian Hamilton Morris
Membership of self-regulatory / accreditation bodies	http://www.waspa.org.za http://www.dmasa.org
Codes of conduct subscribed to	http://www.waspa.org.za/code/waspa_coc_11.0.pdf http://www.dmasa.org/dmasa/dma_load.php?str=1/10/17

URL to code of conduct	http://www.waspa.org.za/code/waspa_coc_11.0.pdf
Full price of goods and services	http://www.trada.net
Manner of payment	EEB, LBB, credit cards
Terms of agreement and URL to access terms	http://www.trada.net
Times for dispatch of goods and performance of services	http://www.trada.net
Manner and period to access transaction records	http://www.trada.net
Return and refund policy	http://www.trada.net
Alternative dispute resolution code subscribed to	http://www.waspa.org.za
Access to alternative dispute resolution code	http://www.waspa.org.za/code/waspa_coc_11.0.pdf
Security procedures and privacy policy	http://www.trada.net
Minimum duration of agreements	NA
Cooling-off rights	5 days http://www.trada.net