

Fair Use Policy

Why do we have a Fair Usage Policy?

This Fair Usage Policy ('Policy') is designed to make sure that all MobiData customers receive a fast and reliable service, whatever the time of day. It is unacceptable if our service is used unlawfully or for purposes for which it is not intended or in an unusual manner. The service quality for all customers is likely to be affected, making it slower for everyone to access the internet or send and receive emails and attachments. By adhering to the Policy, it will help us to keep the MobiData service running smoothly for everyone.

Terminology

Any terms in the Policy beginning with capital letters have the meanings defined in this Policy or in the terms and conditions appearing on our website.

What is unlawful use?

The MobiData service may only be used for lawful purposes in accordance with all laws, statutes and regulations in force from time to time in the United Kingdom or in any other jurisdiction which apply to your use of our service. You may not use the service to send, receive, store, distribute, transmit, post, upload or download any materials or data which:

- violates any law
- is defamatory, offensive, abusive, indecent, obscene, or constitutes harassment
- is or may be harmful to minors
- promotes or encourages illegal or socially unacceptable or irresponsible behaviour
- is in breach of any third party rights (including any third party intellectual property rights)
- has any fraudulent purpose or effect or involves you impersonating another person or otherwise misrepresenting yourself as the source of any communication; or
- damages or may damage our name and/or reputation

What do we mean by unintended and unusual use?

Any kind of unusual usage is covered by the Policy. We believe that most customers will understand this concept. Whilst they are not exhaustive the following are examples of excluded uses:

- sending or downloading large files
- using 'peer to peer' software
- sending and receiving large video files
- prolonged file sharing or use of file sharing software
- newsgroups
- disproportionate live streaming within your total usage

In addition the MobiData service can only fulfill the special purpose for which it is designed. It is a travel-aid and is intended to provide a combination service which is used in your home country and also throughout a range of other territories within a pattern of international travel and visits to foreign countries. It is not suitable for use as a fixture at an additional residence or to support a semi-permanent or prolonged stay in a second location. Reflecting this service-profile MobiData reserves the right to treat as unusual any usage within a single territory other than the country of your Main Residence which exceeds 50% of your total usage within any billing period.

Some general guidance on download capacity

The following are general estimates of the amounts of download used in common situations:

- Single music track – 5MB
- DVD movie – 4GB
- 2000 emails – 250MB
- Email with photo attachment – 350KB
- Email with MS Office attachment – 300KB
- 30 page word document – 190KB
- 30 page PDF document – 350KB
- 30 page scanned document (high res) – 1500KB

Some general guidance on download capacity

We may contact you, if we become aware of, or reasonably suspect, use of the service that is unusual. If we exercise our right to contact you, it is agreed that we may take any reasonable step to satisfy ourselves that the apparently unusual use of the service is appropriate.

MobiData is committed to providing first class customer service, to preserving the integrity of our telecommunications network and avoiding its degradation. If, in our reasonable opinion, we consider it necessary, we may change your services and apply limits to your usage of any service we provide including:

- suspension or termination of your access to our service
- limitation on the amount of data you are able to download
- restriction on the locations from which you are able to access our service
- network controls which may reduce your speed of transmission

We will not do so without giving you prior notice and will only take any of these steps if it is reasonable in all the circumstances. We will always endeavour to act fairly when exercising our discretion in these respects.