

## PROMOTION ORGANIZER Kcell JSC (Organizer)

**Music Race promotion** – a promotion run by Organizer in the territory of Kazakhstan

**Period of promotion: 18 November through to 31 December 2015**

Promotion is intended for Activ customers whose mobile numbers are registered to physical persons, citizens of the Republic of Kazakhstan who have attained the age of 18 years and persons who have a residence permit in the Republic of Kazakhstan, EXCEPT FOR the employees of the Organizer, their close relatives (spouse, parents, adoptive parents, children, grand/step children, siblings, secondary siblings, grandparents) and dealers engaged by Organizer.

## PROMOTION RULES

### 1. Conditions:

- 1.1. Participants of the Promotion are activ subscribers who during the Promotion period use the Simfonia/Own Simfonia service and have for 20 and more days been purchasing RBTs (tunes, jokes), subject to the requirements set forth in par 1.6 of these Rules.
- 1.2. Duration - 44 days.
- 1.3. **The participant who purchased the largest number of RBTs during Promotion under Simfonia / Own Simfonia service (subject to par 1.6 hereof) shall be the winner of this Promotion.**
- 1.4. In order to participate in the Promotion, subscribers must subscribe to Simfonia/Own Simfonia and purchase RBTs through any of the below channels:
  - IVR – short code 2010
  - [www.simfonia.kz](http://www.simfonia.kz)
  - wap.simfonia.kz
  - USSD menu: \*125# for Simfonia and \*126# for Own Simfonia
  - Responding to USSD messages containing appropriate commands
- 1.5. By fulfilling the requirements set forth in these Rules, the participants confirm that they have read and agree to be bound by these Rules.
- 1.6. **The results are calculated as follows:**
  - 1.6.1. Only RBTs purchased during the Promotion period will be counted, except for:
    - 30tg Super Hit Tunes;
    - Tunes and/or jokes in '15 Day Free Trial RBT' category;
    - Free tunes and/or jokes ('Free RBT' category);
    - Music Box (music disc, music channel and music pack).
  - 1.6.2. RBTs purchased after 23:59 of 31 December 2015 (Astana time) will not be counted.
- 1.7. To withdraw from the Promotion, subscribers must dial **\*125\*7#** (Simfonia) and **\*126\*7#** (Own Simfonia).
- 1.8. If the Participants unsubscribe from Simfonia/Own Simfonia service during Promotion, they will be automatically removed from the list of Promotion Participants and lose their chance to win the prize.
- 1.9. Sending USSD requests during Promotion is free.

## 2. WINNER SELECTION:

- 2.1. The participant who purchased the largest number of RBTs during Promotion under Simfonia / Own Simfonia service (subject to par 1.6 hereof) shall be recognized the winner of this Promotion. Where several Participants have the same result, the subscriber who was the first to join this Promotion will be declared the winner. And where several Participants satisfy both requirements, the subscriber who was the first to subscribe to Simfonia / Own Simfonia will be declared the winner.
- 2.2. The winner gets a car **Daewoo Nexia**.
- 2.3. Should the Winner fail to provide the Organizer with documents mentioned in par 3.2 *Prize Distribution* of these Rules or if it is found that the prize winner is the employee of Organizer, or his/her close relative or dealer of Organizer, he/she will be automatically excluded from the list of Promotion participants and will not be eligible for the prize.
- 2.4. Winner selection and the final results will be announced within 20 days after the Promotion is finalized. The winner will be notified accordingly via sms.
- 2.5. Promotion results and winner's name will be published on Organizer's websites *activ.kz, News* section.

## 3. PRIZE DISTRIBUTION CONDITIONS:

- 3.1. The representatives of Organizer will contact the winner using mobile number which was registered for this Promotion within 3 days after announcement of the final results in order to get and verify his/her identity details.
- 3.2. If the representatives of Organizer, for some reason, fail to contact the Winner within this time, it will be the Winner's responsibility to contact the Organizer via Call Center or customer care offices within 3 days after announcement of the final results in accordance with par 2.5 hereof and provide the required information.
- 3.3. Should the Winner to provide the information within the term specified in par 3.2 hereof required for receiving a prize in accordance with Section 4, the prize will be considered unclaimed by Winner and Organizer will have a right not to give it away. In this case, no repeated prize claims will be accepted.
- 3.4. If for any reason the prize is unclaimed or Winner refuses to receive it, as well as in cases specified in par 2.3 hereof, Organizer reserves the right of disposal of such unclaimed prize as it may deem appropriate, including selection of a new winner in accordance with par 1.2 of these Rules.
- 3.5. Organizer has the right to refuse to give the prize away to the Winner if the latter fails to fulfill any of the requirements set forth in these Rules, Public Agreement or RK laws.

3.6 The prize will be distributed within 10 days following the announcement of the Results (according to par 2.4 hereof) at the nearest Kcell Center, based on identity information provided by Winner in accordance with Section 4 hereof.

3.7 No delivery of the Prize to the Winner is provided.

3.8 The prize pool is fixed and formed by the Organizer at its own expense prior to the Promotion commencement.

3.9 The Organizer is not responsible for the quality of the prize. The manufacturer of the prize is responsible for the prize quality.

3.10 The Organizer is not responsible for the failure of the prize provided hereunder to meet the expectations of the Participants.

#### **4. REQUIRED DOCUMENTS:**

1.1. In order to get the prize, the Winner must provide the following:

4.1.1. ID with INN indicated on it;

4.1.2. Subscriber Registration Form.

#### **5. NO CASH EQUIVALENTS OF PRIZES PERMITTED**

No cash equivalents of prizes awarded in this Promotion are permitted.

#### **6. ADDITIONAL CONDITIONS:**

6.1 Full information about the Promotion can be found on [www.activ.kz](http://www.activ.kz) website.

6.2 Organizer reserves the right to amend the terms of this Promotion by giving prior SMS-notice to its subscribers and by posting the relevant information on its [activ.kz](http://activ.kz) website.

6.3 Organizer is not responsible:

6.3.1 for a failure to receive or untimely receipt of information/documents required to get a prize for reasons attributable to the participants or other reasons beyond the Organizer's control;

6.3.2 for the participant's failure to fulfill the requirements stated in these Rules;

6.3.3 in case the Participant fails to pick up his/her prize for whatever reason.

6.4 By participating in this Promotion, the Participant agrees to participate in promotional interviews, including radio and TV interviews, and other media, and give consent to Organizer and / or third parties (engaged by Organizer) to produce a photo and video shoot with his/her participation; to use such photos and video without the need to obtain consent of the participant and without payment of any remuneration for such use (even if such materials are used for advertising purposes), as well as to use participant's personal data for the purpose of this Promotion.

**7 TAXES:**

Organizer is responsible to timely report and pay an income tax applicable to the prize (grand prize) winners under the RK laws. Except as provided herein, all other payments as may be due in connection with receiving the prize hereunder shall be made by its winner.

**8 OTHER CONDITIONS:**

- 8.1 The Organizer preserves the right to amend these Rules as it may find reasonable provided such amendment does not go against the laws of the Republic of Kazakhstan in effect.
- 8.2 The Organizer is not liable in case of any disputes as may arise in respect of rights of ownership, possession or use of the mobile phones. A person who shows the mobile phone with SMS-message to the Organizer and/or at its regional division shall be deemed a real owner of such phone provided that such person is a registered owner/Subscriber of the phone's mobile number or has produced a sufficient proof of his/her rights (See section 4 REQUIRED DOCUMENTS).
- 8.3 The Organizer is not under an obligation to maintain written correspondence or provide explanations in respect of the requirements to confirm one's eligibility for a prize pursuant to these Rules.
- 8.4 The Organizer shall not be liable in case of defect in workmanship as well as technical and technological failures as may occur in Organizer's cellular communication networks or Organizer's equipment.
- 8.5 This Promotion is run by Organizer in order to increase the subscriber base of Simfonia /Own Simfonia service users and promote its add-on services.
- 8.6 All disputes arising in connection with this Promotion must be settled by negotiations. Failing which, such disputes will be referred to Kazakhstan courts and settled through the procedure prescribed by RK laws.
- 8.7 In case of claims brought against the Organizer in connection with violation of third party rights during the Promotion, the participant shall be responsible to settle such claims independently
- 8.8 Organizer will publish these Rules on [activ.kz](http://activ.kz) website.

For details, please contact the Organizer's Call Centre at 3030

**BY PARTICIPATING IN THIS PROMOTION YOU AGREE TO BE BOUND BY  
THESE RULES**