**Rules of the ‘30% Cashback upon payment for utility services with cell phone balance’ promotion**

**1. General**

1.1. These Rules of the ‘30% Cashback upon payment for utility services with cell phone balance’ (the Rules) establish the procedure for running the promotion (Promotion), including participation conditions, bonus award and payment to the Promotion participants.

1.2. **Purpose of the Promotion:** The Promotion is held by Kcell JSC (Operator) in order to promote payments for utility services using cell phone balance via Kcell/activ mobile application and/or on <https://www.mobimoney.kz/> (MA and mobimoney.kz), create an influx of new users of the mobile financial services, as well as stimulate the Operator's subscribers to use more mobile financial services.

1.3. Promotion terms and conditions:

1.3.1. **Promotion organizer:** Kcell JSC

1.3.2. **Promotion duration**: from 01.04.2021 through to 31.05.2021.

1.3.3. **Promotion territory** – the Republic of Kazakhstan (within Operator’s network coverage area).

1.3.4. **Promotion participants** are the activ / Kcell pre-paid subscribers (Subscriber) who are the citizens of the Republic of Kazakhstan, or foreign citizens who have a residence permit in the Republic of Kazakhstan, who own their mobile numbers as individuals, and who make payments for utility services via MA or on the mobimoney.kz website during the Promotion period.

1.3.5. **Cashback accrual:**

1.3.5.1. Cashback in the amount of 5% shall be credited to the mobile balance of the subscriber number no later than 3 (three) business days from the date of payment for utility services using the subscriber number balance via MA or on the mobimoney.kz website (Payment). In exceptional cases caused by technical and/or other reasons, the Operator may set a different period of cashback accrual on the Participant's number balance not exceeding 20 (twenty) business days from the date of Payment.

1.3.5.2. If the Payment is returned for any reason, the previously accrued cashback of the Participant shall be debited from the refund amount.

1.3.5.3. The maximum amount of cashback during a month is limited to 6000 (six thousand) tenge per mobile number.

**2. Promotion terms and conditions**

1. To be eligible for the Promotion, the Subscriber must meet all of the following criteria:

2.1.1 The activ/Kcell pre-paid subscribers who are the citizens of the Republic of Kazakhstan, or foreign citizens who have a residence permit in the Republic of Kazakhstan, who own their mobile numbers as individuals.

2.1.2. Subscribers who have made successful Payment during the Promotion period.

2.1.3. Participant’s mobile number must be in ‘active’ status.

1. Subscribers referred to in par.2.1 hereof who made payment prior to the Promotion commencement will not be included in the list of Participants.
2. During the Promotion period, Operator has the right to send SMS messages with information about the Promotion to the Subscribers.
3. By performing the actions specified in these Rules, the Participants confirm that they have read and agree to be bound by the Rules and Terms and Conditions of the Promotion.
4. Operator has the right to refuse to provide a cashback in case the Participant fails to fulfill the conditions provided for herein or fails to meet the requirements specified herein.
5. Operator has the right to refuse to provide a cashback and/or withdraw the accrued cashback from the Participant's mobile number in case the Participant is found (or suspected) to have committed any unauthorized or illegal actions (using various technical methods) aimed at causing material damage to the Operator, which can have a negative impact on the business reputation and operation of the Operator's network and/or for the purpose of material gain without use of the Service in good faith.
6. The prize pool of the Promotion is formed at the expense of the Operator.

**3. Final provisions**

3.1. All information about the Promotion can be found on activ.kz, kcell.kz websites.

3.2. Operator reserves the right to review the terms of this Promotion by posting relevant information on activ.kz, kcell.kz. Changes will take effect on the date of publication.

3.3. Operator is not responsible for:

3.3.1. Untimely fulfillment / non-fulfillment by the Participants of the Promotion conditions provided for in these Rules;

3.3.2. A failure to receive cashback by the Participants for any reason due to the fault of the Participant.

**4.   ADDITIONAL CONDITIONS**

4.1. Operator has the right to change these Rules unilaterally for any reason that does not contradict the laws of the Republic of Kazakhstan, subject to giving notice to the Participants on the day of their change by posting the amended Rules, including additional information regarding this Promotion, on activ.kz, kcell.kz websites.

4.2. Operator bears no responsibility in connection with any disputes regarding ownership, possession or use of subscriber devices and subscriber numbers, as well as their registration. Any person who claims to be the owner of the mobile number that was used to participate in the Promotion will be considered its current owner (mobile number is registered with his/her IIN), provided that other supporting documents have been furnished to the Operator and/or the Operator's regional subdivision.

4.3. In case the Participant claims a cashback in accordance with these Rules, the Operator will provide a response in accordance with the requirements of the Public Agreement and the current legislation of the Republic of Kazakhstan.

4.4. Operator is not responsible for technical and technological errors that may occur in cellular networks or equipment of the Operator.

4.5. All disputes related to the Promotion should be resolved through negotiations. Failing which, such dispute should be considered in the relevant court of the Republic of Kazakhstan in accordance with the current legislation.

4.6. In case of third parties’ claims brought against the Operator in connection with the Participant’s violation of third parties rights during the Promotion, the Participant takes responsibility for independent resolution of such disputes at own expense.

4.7. These Rules of the Promotion will be published by the Operator on activ.kz, kcell.kz.

If you have any questions concerning the Promotion, contact the Operator’s Call center:

3030 for activ subscribers and 9090 for Kcell subscribers.

**5. BY PARTICIPATING IN THE PROMOTION, YOU AGREE TO BE BOUND BY THESE RULES.**