

Captivate MOH Terms and Conditions

- Captivate MoH Pty Ltd (Captivate MoH) is the exclusive licensed user of the proprietary software that interfaces with the Genesys system responsible for the automated uploads and randomization of the MoH files within the Genesys systems. It is the Captivate studio that creates the audio promotions for the client.
- Within 5 business days of Captivate MOH receipt of the order, Captivate MOH will send a draft script to the business for approval/editing by the Client. The Client may select a voice talent from the website www.captivateconnect.com/voiceover and select content items to intersperse the promotions and/or selected music genre.
- Captivate MOH will record, edit and mix the promotions for approval by the Client within 5 business days of script approval.
- When Captivate MOH receives written approval of the recorded audio, it will connect these to the selected MoH for daily updating or as required.
- Except for any warranties implied by law which cannot be legally excluded, *Captivate MOH* does not warrant, and has not represented, that the Service is or will be free of errors, defects or interruptions, or that it will be available at all times. Captivate does agree to rectify any mis-pronunciation errors at no cost at the time of approval by the client
- The Client acknowledges that the software is licensed to be used by the Client for the term of the agreement and may not be copied or distributed. Upon termination of this agreement, the Client may not continue use of any software, service or recordings which remain the property of Captivate MOH at all times.
- Captivate MOH, Genesys or its agents shall in no event be liable for any direct, indirect or consequential damages or losses of any nature whatsoever by reason of any failure of the replay software or content of any audio production.
- In the event that the Client provides any pre-recorded content to be uploaded on the MoH, the Client agrees that it must own the copyright for any music or production material contained in the audio and it indemnifies Captivate MOH, Genesys and the agent/service provider from any claim for breach of copyright relating to the material provided for uploading.
- Captivate MoH uses music for which it has paid for the rights to use in the production of on hold messaging.
- The audio content items offered as free options are owned by Captivate MoH and may not be copied or used elsewhere without the written permission of Captivate MoH.

Service Activation delay does not include any delays caused by:

- Planned Network platform or application outages
- Acts, omissions and delays by a Reseller or an End User including installation requirements beyond SLA activation period.
- Suitability of End User equipment, facilities or applications.

- Acts of God and any other situations beyond the reasonable control of *Captivate MOH*

Captivate MOH obligations do not extend to Problems caused as a result of:

- Any problem in equipment, software or any network not forming part of the service
- Damage from any external cause that may prevent the service working.
- Acts or omissions of Reseller or an End User or any of their agents, representatives or other contractors.
- Third party equipment that is not installed by Captivate MOH
- Planned Network platform or application outages
- Acts of God, and any other situations beyond the reasonable control of *Captivate MOH*
- Problems in the End User equipment or software.
- Damage due to external causes

Captivate MOH's Business Hours of operations are from 7.00am to 7.00pm AWST (+8) weekdays excluding Australian National Public holidays.

Definitions

- **AEST** Australian Western Standard Time
- **Business Days** are weekdays, excluding Australian National Public and gazetted Holidays, that commence at 7:00am and finish at 7:00pm AWST
- **Business Hours** are 7:00am to 7:00pm AWST weekdays excluding National Public and gazetted Holidays.
- **End User** is the business customer
- **Problem means** a failure in the normal operation of the Services.
- **Studio** refers to Captivate MOH's audio production studio