

Special Terms and Conditions for Nets SoftPOS - Tap to Pay on iPhone

1. Introduction

- 1.1. The terms of this document only apply to Nets' delivery of Nets SoftPOS -Tap to Pay on iPhone to the Merchant. The Terms and Conditions for terminal products and services ("**Terms and Conditions**") also apply.
- 1.2. Nets shall only deliver Nets SoftPOS -Tap to Pay on iPhone to the Merchant if it has been agreed in writing between the Parties.
- 1.3. This document forms an integrated part of the Agreement.
- 1.4. In case of discrepancies between the text of the Terms and Conditions and the special terms and conditions laid down in this document, the special terms and conditions in this document will take precedence.

2. Definitions

- 2.1. The defined terms in the Agreement and the Terms and Conditions shall have the same meaning in this document unless otherwise is stated.
- 2.2. The following terms are defined in this document:

"iPhone"

An iPhone X or a newer model, which has a working and enabled NFC reader and that is designed for mass-market distribution and using the iOS operating system.

"Tap to Pay on iPhone Application" A mobile payment application and backend system which can turn an iPhone (as defined above) into a contactless payment method.

3. Nets' Role

- 3.1. Nets will make Nets SoftPOS -Tap to Pay on iPhone available for the Merchants via Nets MyPayments Application ("**MyPayments App**") as an addition to Nets' acquiring service.

- 3.2. In delivering Nets SoftPOS -Tap to Pay on iPhone, Nets provides PSP Services to the Merchant. Nets' delivery of the PSP Services is governed by the section 13 of the Terms and Conditions.
- 3.3. For the avoidance of doubt, it is noted that Nets SoftPOS -Tap to Pay on iPhone does not include cash register services/ software.
- 3.4. Nets may, without the Merchant's prior written consent, use subcontractors to deliver Nets SoftPOS - Tap to Pay on iPhone to the Merchant.

4. General Requirements

4.1. The Nets SoftPOS -Tap to Pay on iPhone Application

- 4.1.1. The Merchant can download the MyPayments App from the App Store onto a supported iPhone in order to access the Nets SoftPOS -Tap to Pay on iPhone Solution.
- 4.1.2. After successful onboarding, the Merchant receives a welcome e-mail with a download link, for the MyPayments App, to the App Store.
- 4.1.3. The email address to be used to login to MyPayments App is the same email address Merchant supplied to Nets in the Onboarding.
- 4.1.4. Nets is not affiliated, associated, authorized, endorsed by, or in any way connected to the App Store (or Apple), and is not responsible for the use or function hereof.

4.2. License

- 4.2.1. Nets grants the Merchant a limited non-exclusive right to use Nets SoftPOS -Tap to Pay on iPhone in accordance with the terms and duration of the Agreement. The Merchant shall follow Nets' written instructions on the use of Nets SoftPOS -Tap to Pay on iPhone. The Merchant shall not modify, change, or copy Nets SoftPOS -Tap to Pay on iPhone.
- 4.2.2. The Merchant shall only use Nets SoftPOS -Tap to Pay on iPhone for its points of sale in such countries agreed with Nets.

4.3. iPhone

- 4.3.1. Nets SoftPOS -Tap to Pay on iPhone only works on a iPhone X or newer.
- 4.3.2. The Merchant must acquire the necessary iPhone and bear all costs related hereto, and Nets shall not be responsible for the functionality of the iPhone.
- 4.3.3. The iPhone X or a newer model must have a working and enabled NFC antenna. The iPhone must run on a version of IOS as instructed and approved by Nets.

- 4.3.4. It is required that the iPhone has online connectivity to function, which the Merchant is responsible for. The Merchant shall bear all costs in connection with the use and operation of the Nets Softpos – Tap to pay on iPhone, e.g. electricity, online connectivity, and consumables.

4.4. Security

- 4.4.1. Nets SoftPOS Tap to Pay on iPhone entails performance of payment transactions on one or more EMV payment networks. Nets is entitled to block transactions if Nets suspects that the security of the iPhone or the Nets SoftPOS -Tap to Pay on iPhone could have been compromised. This could happen from jailbroken devices, suspicious apps installed on the device, usage patterns, etc.
- 4.4.2. After the activation of the Nets SoftPOS -Tap to Pay on iPhone capability in the MyPayments App on an iPhone, all iPhones must at all times be monitored and supervised by the Merchant and the Merchant's representatives. The Nets SoftPOS - Tap to Pay on iPhone must not be used as an unattended payment acceptance point of sale.

4.5. Updates of Nets SoftPOS -Tap to Pay on iPhone

- 4.5.1. The Merchant shall update or allow Nets to update the MyPayments App requested by Nets, and as Nets deems it necessary. Any use of a software-version older than the latest versions shall be at the Merchant's own risk. The latest version and supported version of Nets SoftPOS -Tap to Pay on iPhone must be downloaded from the App Store, unless otherwise notified by Nets.

5. **Personal Data**

- 5.1. As Nets is the acquirer, the Merchant and Nets will be independent data controllers, i.e. no Party processes Personal Data on behalf of the other Party.