

## GENERAL TERMS AND CONDITIONS

The purpose of these General Terms and Conditions is to define the methods for making the application and the web site available, hereinafter referred to as **totoum**, and the conditions for using the service by the user.

### Definitions

- **ToToum consists of:**

- A mobile application to receive messages called ToT on smartphones and tablets.
- A website [www.totoum.com](http://www.totoum.com) dedicated only to professionals, for the creation of their ToT to

communicate their information on the subscribers smartphones

- **User:** Anyone who uses the application, the web site or any of the services offered.
- **ToT:** text message of maximum 255 characters created by a professional, which can be completed by a photo, a video, a PDF file or an internet link.
- **Professional:** company who creates and broadcasts a ToT
- **Individual:** non-professional person receiving the ToT
- **Dead link:** link in a page or website pointing to non-existent content
- **Internet link:** page opening with an active link from a ToT
- **Information thread:** for professionals: the information thread is used to classify ToT. For individuals who subscribed to a professional: the thread of information allows these individuals to select the type of information they want to receive from a professional.
- **Research by center of interest:** allows users to select centers of interest by defining a geographic zone.
- **Publitacom:** Free graphic studio integrated in totoum. It allows to complete the ToT with the creation of a document, flyer, poster

### Totoum Access

- For the use of totoum application / website the user must register and accept these Terms of Use
- To access totoum the professional must have an internet access.
- Totoum reserves the right to interrupt, suspend, without notice access to all or part of the service.

### Professional

- The creation of the information threads then the ToT can be done from the website, a tablet or a smartphone. The professional connects to the website totoum.com or to his professional space directly from the application.
- Professionals remain free to broadcast their ToT to a selection of individuals or professionals they establish through the groups of subscribers they manage.
- To use totoum the professionals must first proceed to the creation of their account. The information provided must be accurate, verifiable and up-to-date.
- When creating their account, the professional obtains his totoum credentials: professional number and QR Code that he can display everywhere: showcase, business card, website, social networks ...
- Totoum is for all professionals. A professional means any registered company: trade, hospitality, food and beverage, club or sports association or other, cooperative, community, breeder or farmer ...
- In case of inactivity or insufficient subscribers, the account may be suspended, or deleted.
- For certain categories of ToT, professionals must indicate an age restriction for reading the ToT.

## **Individual**

- An individual consult the ToT via the totoum application only.
- The individual receives ToT according to his selection. Either by subscribing to a thread of a professional to which he has subscribed, or by subscribing to a center of interest by defining a Geographic zone.
- At any time the individual can unsubscribe from a professional thread or from a center of interest.
- The details of the individual remain confidential. A system of check is set up for the individual who wishes to be known by the professional. Only the identifier he has chosen/created will be communicated to the professional.
- To use the totoum application, individuals must first create their account:
  - Register as user based on the conditions (e-mail address + password).
  - They will be able to complete their registration free of obligation with their date of birth, mandatory to receive the ToT of the adult section; the veracity of the information communicated remains under the sole responsibility of the individual.
- The individual acknowledges being of legal age in his country of residence, or having obtained the authorization of his legal representative (parent or guardian) if he is a minor.

## **Writing / Compliance of a "ToT"**

- Short message up to 255 characters that can be completed by a photo, a PDF file or an internet link.
- The ToT must not be contrary to regulations, practices and ethical principles that could generate protests from the publisher or third parties.
- In the event of a report by a third party in particular, doubtful ToT and / or contrary to regulations, uses and ethical principles, the account may be suspended provisionally or permanently.
- The photo, video, PDF file or the complementary web link of the ToT is valid for the duration of the ToT.

## **ToToum Application**

From the application, the professional can:

- Visualize his ToT
- Filter/manage his ToT
- Manage his subscriptions
- Subscribe to a professional
- Subscribe to a center of interest
- Access his professional space (creation of threads and ToT, manage his groups of subscribers, publita.com)

From the application, the individual can:

- Visualize his ToT
- Filter/manage his ToT
- Manage his subscriptions
- Subscribe to a professional
- Subscribe to a center of interest

## **Website**

From the website, the professional can:

- Create his ToT
- Create, manage his threads

- Manage his subscriber groups
- Manage his subscriptions
- Find a professional
- Create a research by center of interest
- Manage his profile
- Manage his subscription configurations
- Go to the Publitacom area
- Sign out

From the website, the individual can:

- Manage subscriptions
- Manage his profile
- Find a professional
- Create a search by center of interest
- Manage his subscription / settings configurations
- Sign out

### **Intellectual property**

- Any reproduction, representation, adaptation, modification, translation, transformation, dissemination, integration into another website, and / or reuse in any way of the content of the website is strictly prohibited without the prior written permission of the totoum Company .
- Any use contrary to the law or the General Terms and Conditions may lead to legal proceedings.

Personal data

- Totoum takes every precaution to preserve the confidential data of its users (trusted hosts)
- Statement to the Federal Data Protection and Transparency Officer (FDPIC).
- The right to access and rectify information concerning the user of the application or the totoum website may be exercised in writing by registered letter with acknowledgment of receipt at totoum's head office.

### **Responsibility**

- Totoum cannot be held responsible in case of inactive internet connection (no internet access, when credit is over ...)
- E-mail addresses and password are personal and confidential. The User is solely responsible for the use of these.
- Totoum cannot be held responsible for any malfunction of the network or servers.
- Totoum is not responsible for the contents of ToT.
- Totoum does not guarantee the identity or the activity described by the professionals.
- ToT may contain hypertext links to other websites. The user visits these sites under his sole and entire responsibility.
- ToT may contain links to other sites, web pages or social networks.
  - Totoum would not be held responsible in the event of a dead link.
  - Totoum would not be held responsible in the event of a link to a site or social network whose content would be contrary to regulations, practices and ethical principles that could generate protests from third parties.
- Totoum reserves the right to delete a ToT with a dead link.
  - Totoum reserves the right to delete a ToT that would be contrary to regulations, practices and ethical principles, which may generate protests from the publisher or third parties.

### **Modification / Evolution / Update**

- Totoum is constantly evolving. As such, changes may happen. Any changes to the Terms of Use will be published on this page. Any use that would be subsequent to the publication of such modification would constitute an acceptance of additions or deletions made to these Terms of Use.
- Updates will be downloadable free of charge to continue using the app.

### **INFORMATION COOKIES**

- In order to improve the quality of the services cookies are used.
- Cookies are files stored on the hard disk of the computer while browsing the internet.

In case of refusal of all cookies, the user is informed that his navigation will be reduced to access totoum

### **Legal Notice**

- Company name: TOTOUM
- Registered address: Maladières 16, CH 2022 BEVAIX
- e-mail contact: [contact@totoum.com](mailto:contact@totoum.com)

### **Applicable law and competent jurisdiction**

The Terms are subject to Swiss law

### **Advertising display on screens**

An advertisement can be inserted under the ToT.

This advertisement is random and managed by an advertising agency.