

MageHost B.V. | Fair use policy

January 2021

With regard to the provision of services, if no limits have been set to the capacity that is available to the client (in terms of, for example, the volume of data traffic, processing capacity, memory, storage or electricity), a fair use policy will apply to the pricing. Based on this policy, every client may use a maximum of twice the capacity used by other clients who purchase the same or similar services from us under similar circumstances. We will determine the actual client average on a monthly basis, based on the capacity consumption of similar clients. A calculation example is provided below.

If the fair use policy is exceeded, we will inform the client accordingly. If a client has repeatedly exceeded the fair use policy (i.e. more than once), we may adjust the price applied for future months on a prorated basis, which adjustment will be made in all reasonableness. If we decide to make this adjustment, we will inform the client in question in the month preceding the adjustment.

In principle, a price change made on these grounds does not give a client the right to terminate the agreement. However, if the client does not agree with the implemented adjustment, it may indicate this in writing or by email. In such case, we will consult with the client in order to come to a solution and possibly reconsider the adjustment. If we do not come to an appropriate solution, the client will be entitled to terminate the agreement as of the time the adjustment takes effect, unless we decide not to implement the adjustment. If we do not implement the price adjustment, we will be authorised to limit or reduce the use of the Services to the permitted capacity (after notifying the client thereof).

If a client has exceeded the client average three times or more, we may charge the excess (calculated from three times the client average onwards) immediately, as well as implement an adjustment for subsequent calendar months.