

Merchant Gift Certificates Agreement

Last Update: 21 March 2022



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This policy governs the Merchant Gift Certificate product and by offering Merchant Gift Certificates Merchant agrees to be bound by these terms and conditions.

Merchant Gift Certificates is a product that allows Merchants to offer Gift Certificates for sale through the Merchant's web site. Purchasers may purchase a Gift Certificate for a designated recipient, who may then redeem that Gift Certificate on purchases made on Merchant's website using PayPal. The purchaser must define the recipient at the time of purchase for Gift Certificates delivered by email. Once purchased, Gift Certificates delivered by email may not be transferred to a different recipient. A recipient must have a PayPal account and pay using PayPal in order to redeem a Gift Certificate.

Merchant is the issuer of the Gift Certificate and PayPal provides certain services in connection with its administration. Merchant is bound by the Terms & Conditions of the Gift Certificate and shall not amend or revise such Terms & Conditions in any way. Merchant releases PayPal from any and all claims arising in connection with Merchant Gift Certificates.

Sale & Redemption of Gift Certificates

Proceeds from the sale of Gift Certificates are stored in Merchant's PayPal account.

For the initial 18 month period following the sale of a Gift Certificate, the Gift Certificate balance is stored in Merchants reserve balance and Merchant shall not have access to such funds unless the Gift Certificate is redeemed. When a Gift Certificate is redeemed, funds, less applicable PayPal fees as described below, are moved from Merchant's reserve balance to the Merchant's available balance via the recipient's PayPal account.

After initial 18-month period if a Gift Certificate retains a balance for 18 months, the amount of the remaining balance will be released from the reserve balance, less applicable PayPal fees as described below, and placed in Merchant's available balance. Since Gift Certificates do not expire, a recipient will still be able to redeem the unused value associated with the Gift Certificate. In these types of redemptions, the Gift Certificate value will act as a discount against the recipient's purchase total and Merchant will not receive the remaining balance from the gift certificate. For example, if a recipient uses a \$10.00 AUD Gift Certificate that is more than 18 months old on a \$15.00 AUD purchase, the merchant will receive only \$5.00 AUD (less fees), since Merchant will have already received the \$10.00 AUD in proceeds, less PayPal fees, from the recipient's Gift Certificate when the gift certificate had aged 18 months.

Merchant acknowledges that it has responsibility to comply with all applicable laws in connection with unused Gift Certificate balances.

Cancellation/Non-Expiration of Gift Certificates

A Merchant may cancel any unredeemed Gift Certificate at any time provided Merchant refunds the full value of the Gift Certificate to the purchaser in accordance with the Gift Certificate terms and conditions and notify the purchase and, if different, the recipient of such cancellation.

Gift Certificates do not expire. Any unused value associated with a Gift Certificate will remain available to the recipient until spent and Merchant shall honor valid Gift Certificate until the value associated with such Gift Certificate is zero.

Account closure: If Merchant's PayPal account is closed, by Merchant or otherwise in accordance with the terms of the User Agreement, then the remaining balance of Gift Certificate less than 18 months old will be refunded to the purchaser. Merchant shall remain fully liable for Gift Certificate balances that are older than 18 months. Refunds on Gift Certificates purchased using a credit/debit card will have the face value credited to that credit/debit card. Refunds on Gift Certificates that were not purchased using a credit/debit card will be placed into the purchaser's PayPal account.

Fees

Merchant shall not charge fees in connection with Gift Certificates, including in connection with their purchase, maintenance and redemption.

PayPal does not charge the Merchant any fees when a Gift Certificate is purchased; however, PayPal does charge its standard transaction fees in connection with payments using Gift Certificates. If a gift certificate is redeemed within the initial 18 month period, PayPal charges Merchant standard transaction processing fees at the time of the redemption. If a gift certificate is not redeemed within the initial 18 month period, the remaining balance on the gift certificate is released from the reserve balance. Standard transaction processing fees are charged to the Merchant when funds are moved from Merchant's reserve balance to the merchant's available balance.

Customer Service

Merchant shall provide support for the purchasers and recipients of Gift Certificates.

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