



General Terms of Use (GTU) concerning the obtention of information from the cable cadastre

1. Field of application

1.1 Object

These GTU govern the electronic obtention from UPC Switzerland LLC (hereafter "UPC") of information from the cable cadastre over its online cable cadastral information desk. For services cables, which are not the property of UPC, cable plans must be requested of the relevant proprietor.

2. Registration und acceptance of the GTU

2.1 Registration

In order to electronically access and use information from the cable cadastre (in particular plans) it is necessary to register online and accept these GTU.

2.2 Users

A distinction is made between **occasional users** and **permanent users**. The profile of an occasional user is directed towards developers, land owners, landscape gardeners and architects in particular, whilst the profile of a permanent user is intended notably for companies, architects, engineers and building contractors. Any reference below to "user" shall refer to both categories of users.

2.3 Occasional users

Occasional users enter their contact information on each obtainment of a plan. They receive immediate and automatic password-free online access to UPC's cable cadastral information desk and can obtain a limited number of plans.

2.4 Permanent users

Permanent users apply for a password-protected online access to UPC's cable cadastral information desk, which enables them to register as permanent users. The registration will first be internally assessed and once approved by UPC during office hours, the permanent user account will be enabled. Thereafter in principle plans may be obtained over the online cable cadastral information desk in accordance with the provisions of these GTU (in particular the terms of use under paragraph 3) without restriction.

UPC reserves the right at any time to temporarily or permanently deny permanent users access, notably in the case of actual or suspected breach of any of the provisions of these GTU.

2.5 Contact information

The contact information of all users will be recorded and stored by UPC for reasons relating to security and liability. Contact information is only accessible by a select group of UPC employees and will not be disclosed to third parties.

Permanent users can at any time inspect and edit the contact information in their profile. A confirmation of the recorded contact information will also be sent each time data is transmitted to the user.

2.6 Availability and making contact with upc

Although UPC endeavours to ensure that the online cable cadastral information desk is constantly available, it can however not guarantee access that is at all times interruption-free.

Should the online information desk not be available, we ask all users to send an appropriate message to admin_leitungskataster@upc.ch. Furthermore UPC's regional cadastral information desk may also be contacted (www.upc.ch/kataster.pdf).

3. Terms of use concerning information from the cable cadastre

3.1 Purpose

Users are authorised to use information from the cable cadastre **exclusively** for information purposes or project work (as a rule for matters of planning or construction) and in the requested project and field. The commercial use of information from the cable cadastre is not permitted. Any transfer to a third party, who has no direct connection with the planning or construction project, is prohibited save with the consent of UPC.

3.2 Confidentiality

Users undertake to treat information on plans of the network infrastructure made available by UPC with confidentiality and acknowledge that such information is subject to the obligation professional secrecy which is protected by criminal law.

3.3 Liability and duty of care of the users

Within the validity period of the individual extracts of the cable cadastre, the relevant plans provide information only about the actual (two-dimensional) situation of the service cables. The real situation of the cables may deviate from the plans as the plan specifications may, on the grounds of structural modifications such as new installations, building alterations, excavations and soil changes, require running modification. All sections of the plan are subject to verification on site. Unsurveyed cable lines are marked only approximately and as a rough estimate on the plans. In case of risk of damage their exact location can be determined by the use of sounding.

Any indications of measurements on the plans may not be taken and applied for wider use. The plans do not provide any exact indication of depth. Corresponding measurements of depth are determined with all due care, in particular by the use of sounding.

The requested plan is to be checked for legibility and, if it is un- or scarcely readable, may be requested again in a larger map scale.

The users of the information from the plans acknowledge that the available plans are based as a rule on data obtained from official surveys and that UPC cannot guarantee that such data is either accurate or up-to-date.

The users acknowledge in respect of each plan obtained the cable cadastre documents delivered therewith as well as the GTU on their correct interpretation. Furthermore their attention is drawn to the information regarding making contact with UPC.

3.4 Copyrights

All rights (in particular copy and intellectual property rights) in the plan information which is made available as well as printed plans of service cables shall remain entirely the property of UPC and/or the respective holders of such rights.

3.5 Deletion following completion of the work

Following completion of the work users undertake to immediately destroy i.e. delete all supplied information and all possible copies made by them (including electronic copies). For later works new information must be requested.

4. Final provisions

4.1 Validity

UPC reserves the right to change the present GTU at any time and to adapt to technological developments.

4.2 Law and jurisdiction

The present agreement shall be governed by *Swiss law*. It shall be subject to the jurisdiction of *Zurich 1*.