ACCEPTABLE USE POLICY

FOR INTERNET SERVICE RELATED CUSTOMERS

INTRODUCTION AND COVERAGE

General

This Acceptable Use Policy sets forth guidelines for acceptable use of the NetEnterprise Network. All users of the NetEnterprise Network are required to comply with this policy. Users must also comply with all terms and conditions of applicable agreements, and with any additional policies that may be applicable to a specific service offered by NetEnterprise.

Definitions

As used in this Acceptable Use Policy, the terms shall have the respective meanings set forth below:

- "NetEnterprise" includes, without limitation, NetEnterprise Incorporated.
- "NetEnterprise Network" includes, without limitation, NetEnterprise's networks, and all systems, services, and products that utilize, or are utilized in connection with, NetEnterprise's networks.

Conformance With Policies of Other ISPs

In situations where data communications are carried across networks of other Internet Service Providers (ISPs), users of the NetEnterprise Network must also conform to the applicable acceptable use policies of such other ISPs.

Questions, Comments, or Complaints

If you are unsure whether any contemplated use or action is permitted, please send questions or comments to NetEnterprise at: info@NetEnterprise.com.

Any complaints regarding prohibited use or other abuse of the NetEnterprise Network, including violations of this Acceptable Use Policy, should be sent to NetEnterprise at: abuse@NetEnterprise.com.

Revisions

NetEnterprise reserves the right to modify this Acceptable Use Policy at any time without notice.

COMPLIANCE

General

All users of the NetEnterprise Network are required to comply with this Acceptable Use Policy, as well as all applicable laws and regulations.

Goals

NetEnterprise seeks to promote a high level of responsible behavior in connection with the use of the Internet, and has formulated this Acceptable Use Policy to accomplish the following goals:

- To protect the reputation and resources of NetEnterprise, its customers, and the Internet community at large, from irresponsible or illegal activities.
- To ensure the privacy, security, and reliability of the NetEnterprise Network, the network and systems of NetEnterprise's customers, and (as much as NetEnterprise is reasonably able to do so) the Internet at large.
- To establish guidelines for the acceptable use of the NetEnterprise Network.
- To define generally those actions which NetEnterprise considers abusive and prohibited.
- To outline procedures for handling and reporting abuse to NetEnterprise.

Responsibilities

NetEnterprise provides an unfiltered connection to the Internet. No data, documents, materials, or information that enters the NetEnterprise Network is reviewed before being transmitted to users. Accordingly, NetEnterprise neither controls nor accepts responsibility for the content of any communications that are transmitted or made available to users, regardless of whether they originated from users of the NetEnterprise Network. In addition, NetEnterprise expressly disclaims any responsibility for the accuracy or quality of information provided by third parties that may be obtained through the use of the NetEnterprise Network.

Each user is responsible for complying with this Acceptable Use Policy, and for providing reasonable assistance to NetEnterprise in investigating and resolving issues, problems, and/or complaints arising out of the services provided to such user.

Filters

Filters against particular networks or traffic types are generally available from a variety of sources. In addition, in certain circumstances and for an applicable fee, NetEnterprise may be able to install other filters upon the customer's request.

Configuration

All users of the NetEnterprise Network are responsible for configuring their own systems to provide the maximum possible accountability. For example, users should ensure there are clear "path" lines in news headers so that the originator of a post may be identified. Users should also configure their Mail Transport Agents (MTA) to authenticate (by look-up on the name or similar procedures) any system that connects to perform a mail exchange, and should generally present header data as clearly possible. As another example, users should maintain logs of dynamically assigned IP addresses.

Reporting Violations

Customers of NetEnterprise are responsible for immediately reporting to NetEnterprise (via e-mail or phone) any network issue which could compromise the stability, service or security of any use by NetEnterprise or its customers of the NetEnterprise Network.

Resellers and Downstream Service Providers

Some users may be customers of Internet Service Providers (ISPs) that receive Internet connectivity through NetEnterprise. Such ISPs (also known as resellers or downstream service providers) are responsible for informing their customers of this Acceptable Use Policy and for enforcing its restrictions with regard to their customers' actions.

Complaints about customers of any such reseller or downstream service provider shall be forwarded to such reseller or downstream service provider for resolution. If at any time NetEnterprise determines that such reseller or downstream service provider is not taking appropriate action in accordance with this Acceptable Use Policy, NetEnterprise shall work with such reseller or downstream service provider to review their policies and enforcement procedures. If the reseller or downstream service provider continues to fail to take appropriate action, NetEnterprise will take such further action as it deems appropriate, up to and including termination proceedings.

Violations of this Acceptable Use Policy by a customer or end-user of a reseller or downstream service provider shall be considered violations of this Acceptable Use Policy by such reseller or downstream service provider.

CONSEQUENCES OF NON-COMPLIANCE

Violation of this Acceptable Use Policy is strictly prohibited. In the event of any actual or potential violation, NetEnterprise reserves the right to suspend or terminate, either temporarily or permanently, any or all services provided by NetEnterprise, to block any abusive activity, or to take any other actions as deemed appropriate by NetEnterprise in its sole discretion.

Users who violate this Acceptance Use Policy may incur criminal or civil liability. NetEnterprise may refer violators to civil or criminal authorities for prosecution, and will cooperate fully with applicable government authorities in connection with the civil or criminal investigations of violations.

PROHIBITED USE

The examples of prohibited use set forth below and throughout this Acceptable Use Policy are non-exclusive and are provided as guidelines to customers and other users of the NetEnterprise Network.

A. Illegal Use

The NetEnterprise Network may be used only for lawful purposes. The transmission, distribution, or storage of any information, data, or material in violation of any applicable law or regulation is prohibited. Without limitation of the foregoing, it is strictly prohibited to create, transmit, distribute, or store any information, data, or material which:

- Infringes any copyright, trademark, trade secret, or other intellectual property right.
- Is obscene or constitutes child pornography.
- Is libelous, defamatory, hateful, or constitutes an illegal threat or abuse.
- Violates export control laws or regulations.
- Encourages conduct that would constitute a criminal offense or give rise to civil liability.

In the event of suspected, alleged, or actual illegal activity, NetEnterprise will notify or cooperate with applicable law enforcement authorities for potential civil or criminal investigation or prosecution.

B. Abuse

The following general actions are considered "abuse" and are strictly prohibited:

- Any conduct which violates the accepted norms and expectations of the Internet community at large (whether or not detailed in this Acceptable Use Policy). NetEnterprise reserves the right, in its sole discretion, to make a determination whether any particular conduct violates such norms and expectations.
- Resale of NetEnterprise's services or products, unless expressly authorized in a separate written agreement with NetEnterprise.
- Any conduct that restricts or inhibits any other user, whether a customer of NetEnterprise or a user of any other system or network, from using or enjoying any of NetEnterprise's services or products, as determined by NetEnterprise in its sole discretion.
- Harassment, whether through language, frequency, or size of messages.
- Creating, forwarding, posting, or distribution of chain messages of any type (also known as "pyramid" or "Ponzi" schemes).
- Forging of message headers or a sender's identity, or taking any similar action with the intent of bypassing restrictions or limits on access to a specific service or site (such as a moderated newsgroup or a site utilizing filters). This prohibition does not restrict the legitimate use of aliases or anonymous re-mailers.
- Falsifying identity or contact information (whether given to NetEnterprise, to the InterNIC, or put in a message header) to circumvent this Acceptable Use Policy. This prohibition does not restrict the legitimate use of aliases or anonymous re-mailers.

- Furnishing false or incorrect data to NetEnterprise on written or online applications, contracts, or other materials or information provided to NetEnterprise, including fraudulent use of credit card numbers or "bill to" telephone numbers.
- Attempting to circumvent or alter the processes or procedures to measure time, bandwidth utilization, or other methods to document use of NetEnterprise's products and services.

C. Security

Violations of system or network security are prohibited and may result in criminal and civil liability. NetEnterprise will investigate potential security violations and may notify applicable law enforcement agencies if violations are suspected.

It is strictly prohibited to attempt to circumvent the authentication procedures or security of any host, network, network component, or account (i.e. "cracking") to access data, accounts, or servers, which the user is not expressly permitted or authorized to access. This prohibition applies whether or not the attempted intrusion is successful, and includes

unauthorized probes or scans performed with the intent to gather information on possible security weaknesses or exploitable configurations.

Unauthorized monitoring of data or traffic on any network or system without express authorization of the owner of the system or network and forging of any TCP-IP packet header in part or whole are expressly prohibited.

Users of the NetEnterprise Network are responsible for educating themselves and configuring their systems with at least basic security. Should systems at a user's site be violated, the user is responsible for reporting the violation and then fixing the exploited system. For instance, should a site be abused to distribute unlicensed software due to a poorly configured FTP (File Transfer Protocol) Server, the user is responsible for re-configuring the system to stop the abuse.

Users are prohibited from interfering or attempting to interfere with service to any other user, host, or network on the Internet ("denial of service attacks"). Examples of such prohibited activity include without limitation (a) sending massive quantities of data (i.e. "flooding" with ICMP, SMTP, or any other type of traffic that exceeds accepted norms of size and/or frequency) with the intent of filling circuits, overloading systems, and/or crashing hosts, (b) attempting to attack or disable any user, host, or site, or (c) using, distributing, or propagating any type of program, script, or command designed to interfere with the use, functionality, or connectivity of any Internet user, host, system, or site (for example, by propagating messages, via e-mail, Usenet posting, or otherwise, that contain computer worms, viruses, control characters or Trojan horses).

Users are prohibited from intentionally or negligently injecting false data into the Internet, for instance in the form of bad routing information (including but not limited to the announcing of networks owned by someone else or reserved by the Internet Assigned Numbers Authority) or incorrect DNS information.

D. E-Mail
Users are prohibited from engaging in improper use or distribution of electronic mail ("e-mail") over the Internet. Without limitation of the foregoing, it is strictly prohibited to engage in any of the following activities:
- Sending unsolicited bulk e-mail ("UBE", "spam" or "spamming"). This includes, but is not limited to, the distribution of UBE for commercial, informational, advertising, political, or religious purposes.
- Setting up "mailback" or "drop box" addresses in order to receive responses from UBE, either directly by the user or by a third party on behalf of the user.
- Using a mail transport agent (MTA) outside of a user's own site to relay mail (unless a user has received express permission to do so). Even if permission has been received, users are prohibited from forging their identities to make it appear as though the e-mail sourced from the relay.
- Sending UBE, or posting news, to advertise or promote resources whose connectivity depends in any way on the NetEnterprise Network, regardless of whether such UBE or news posting is made using the NetEnterprise Network. For example, using another ISP's services to send UBE which advertises a Web page hosted by or via the NetEnterprise Network is prohibited.
- Hiring or using any third party service for the purpose of distributing UBE or excessively "multi-posting" or "cross-posting" any Usenet posting in the name of a user. Users will be held responsible for the actions of any third party agent that acts on behalf of or for the benefit of the user, and such users shall be held directly accountable for any violations of this Acceptable Use Policy by such third party agent.

Bulk e-mail may be sent only to recipients who have expressly requested receipt of such e-mail. Users that send solicited bulk e-mail are required to maintain records of all bulk e-mail subscription requests, and to provide NetEnterprise with such records upon request of NetEnterprise, to enable NetEnterprise to investigate complaints from third parties. The sender of any solicited bulk e-mail shall, upon the request of a recipient, immediately remove such recipient from all applicable mailing lists and refrain from further transmissions of e-mail to such recipient.
Use of any auto-responder messages, mailing lists, or any other programs or scripts run by a user to handle or re-distribute e-mail is the sole responsibility of the user, and shall be operated in a reasonable manner. This responsibility includes, but is not limited to, maintaining up-to-date mailing lists to minimize mail bouncing and to facilitate the processing of removal requests, configuring auto-responders so that they do not create mail loops, and the prompt handling of any complaints regarding UBE re-distributed through a mailing list onsite.

E. USENET (also known as NETNEWS or NEWSGROUPS)
NetEnterprise recommends that users not post to any newsgroup until they have familiarized themselves with the subjects, established guidelines, and restrictions of such newsgroup. All Usenet guidelines and restrictions are incorporated herein by reference, and users of the NetEnterprise Network agree to adhere to such guidelines unconditionally.

Without limitation of the foregoing, it is strictly prohibited to engage in any of the following activities:
- Making any posting for commercial purposes (including without limitation the pointing to specific URLs for commercial purposes), except where such postings are expressly permitted under the charter and/or Frequently Asked Questions (FAQ) of an applicable newsgroup.
- Posting binary files to newsgroups whose charter or name does not include allowances for such files.
- Posting via NetEnterprise's newsfeed any solicitation for mailback to an e-mail address (including addresses of non-NetEnterprise users) networks with the intention of bypassing this Acceptable Use Policy.

- Cancelling newsgroup postings other than their own, or using auto-responders or cancel-bots (or similar automated or manual routines), which generate excessive network traffic or disrupt Usenet newsgroup/e-mail use by others (except in cases of official newsgroup moderators performing their duties).
- Engaging in "Excessive Cross-Posting" (ECP) or "Excessive Multi-Posting" (EMP) or "Usenet spam" (no matter what the content might be) as defined by the Internet community and expressed in the news.admin.net-abuse. * Newsgroups and FAQs.
- Disrupting newsgroups with materials, postings, or activities that are (as determined by NetEnterprise in its sole discretion) frivolous, unlawful, obscene, threatening, abusive, libelous, hateful, excessive, or repetitious, unless such materials or activities are expressly allowed or encouraged under the newsgroup's name, FAQ, or charter.
- Using filtering messages (e.g. NoCeM) in an intrusive manner, or at other than the user's server level. Generally, filtering messages are considered normal Usenet traffic and are treated as such by NetEnterprise. Complaints regarding filter use or abuse should be directed either to the source generating them or the sites utilizing them.
- Performing any unauthorized creation, cancellation, or removal of newsgroups.

The legitimacy of a given post or cancellation is determined by the official newsgroup or mailing-list moderator. Therefore, NetEnterprise defers to their judgment on these issues. If no such official entity exists, it is at NetEnterprise's discretion to determine whether any post or cancellation is compliant with this Acceptable Use Policy and Internet community standards for that newsgroup.

F. World Wide Web
NetEnterprise strictly prohibits users from engaging in any of the following Web-related activities:
- The exploitation or attempted exploitation of any scripts presented on Web pages (e.g. forms for answering questions or for entering data).
- Excessive use of bandwidth by utilizing programs, scripts, or commands to abuse a Web site (for example, by connecting for an excessive amount of time, repeatedly engaging site-local scripts, or related behavior).
- "Walking" a database for the purpose of collecting data contained therein (whether or not this behavior requires that the reader of the page must knowingly ignore files such as "robot.txt" which is designed to guide cataloguing robots/programs).
- Operating a robot on a site's page after the site has asked that the behavior cease.
- Configuring a Web page to act maliciously against users that visit that Web page.

LEGAL

Additional Terms and Conditions
The use of the NetEnterprise Network by a customer of NetEnterprise is subject to the terms and conditions of any agreements entered into by such customer with NetEnterprise. This Acceptable Use Policy is incorporated into such agreements by reference.

Limitation of Liability
NetEnterprise shall not be liable for any indirect, incidental, special, consequential, or punitive damages, including but not limited to loss of profits, loss of business or business opportunity, loss of use, etc., even if advised of the possibility of such damages. NetEnterprise shall not be liable for any direct or actual damages, except to the extent specified in a written or electronic agreement entered into between NetEnterprise and its customer. NetEnterprise makes no warranties or representations herein, either expressed or implied, concerning the NetEnterprise network and expressly disclaims warranties of fitness for a particular use or purpose, the warranty of merchantability and any other warranty implied by law.

Complaints and contact information for NetEnterprise customers
Any complaints regarding prohibited use or other abuse of the NetEnterprise Network, including violations of this Acceptable Use Policy, should be sent via e-mail to NetEnterprise at: abuse@NetEnterprise.com. Please include all applicable information that will assist NetEnterprise in investigating the complaint, including all applicable subject lines of forwarded messages.

Sites experiencing live attacks from NetEnterprise customers should call into our Network Support Center (telephone 808-441-5001) to submit a complaint as quickly as possible. Describe the urgency of the situation should you need immediate attention.

If you are unsure whether any contemplated use or action is permitted, please send questions or comments to NetEnterprise at: info@NetEnterprise.com.

For further information about this Acceptable Use Policy, please contact NetEnterprise at:

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