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# Acceptable Use Policy

## Definitions

This Acceptable Use Policy (the "Policy" or "AUP") is an integral part of your agreement with Communico LLC (Communico) for the provision of services (collectively the "Services") set forth on the Order Form.

This Policy is designed to help protect Communico's customers from irresponsible and/or illegal activities. The Policy is a non-exclusive list of the actions prohibited by Communico and Communico reserves the right to modify the Policy at any time, effective upon notice to you. Communico reserves the sole and absolute right to interpret, apply, define and implement this Policy.

## DMCA Complaints

As Communico asks others to respect its intellectual property rights, it respects the intellectual property rights of others. If you believe that material located on or linked to by a Communico hosted site violates your copyright, you are encouraged to notify Communico in accordance with Communico's Digital Millennium Copyright Act ("DMCA") Policy. Communico will respond to all such notices, including as required or appropriate by removing the infringing material or disabling all links to the infringing material. Communico will terminate a customer's access to and use of the service if, under appropriate circumstances, the customer is determined to be a repeat infringer of the copyrights or other intellectual property rights of Communico or others. In the case of such termination, Communico will have no obligation to provide a refund of any amounts previously paid to Communico.

## Illegal Use

Any use of Communico in a manner which is defined or deemed to be statutorily illegal is a direct violation of Communico's AUP. This includes, but is not limited to: death threats, terroristic threats, threats of harm to another individual, multi-level marketing schemes, "ponzi schemes", invasion of privacy, credit card fraud, racketeering, defamation, slander, and other common illegal activities.

## Offensive Content

You may not use Communico to distribute content or links to content that Host reasonably believes:

- Constitutes, depicts, fosters, promotes or relates in any manner to child pornography, bestiality, or non-consensual sex acts;
- Is excessively violent, incites violence, threatens violence or contains harassing content or hate speech;
- Is unfair or deceptive under the consumer protection laws of any jurisdiction, including chain letters and pyramid schemes;
- Is defamatory or violates a person's privacy;
- Creates a risk to a person's safety or health, creates a risk to public safety or health, compromises national security or interferes with a investigation by law enforcement;
- Improperly exposes trade secrets or other confidential or proprietary information of another person;
- Is intended to assist others in defeating technical copyright protections;
- Infringes on another person's copyright, trade or service mark, patent or other property right; Promotes illegal drugs, violates export control laws, relates to illegal gambling or illegal arms trafficking;
- Is otherwise illegal or solicits conduct that is illegal under laws applicable to you or to Host;
- Is otherwise malicious or fraudulent, or may result in retaliation against Host by offended recipients; or
- Is intended to harass or threaten.

## Child Pornography

Communico has a zero-tolerance policy on child pornography and related sites. The hosting of child pornography or related sites or contact information is in direct violation of federal law and Communico's AUP.

## Denial of Service

Communico absolutely prohibits the use of services or network services for the origination or control of denial of service ("DOS") attacks or distributed denial of service ("DDOS") attacks. Any relation to DOS or DDOS type activity is a direct violation of Communico's AUP.

## Server Abuse

Any attempts to undermine or cause harm to a Communico server or subscriber of Communico is strictly prohibited including, but not limited to:

- Logging into a server or account that you are not authorized to access;
- Accessing data or taking any action to obtain services not intended for you or your use;
- Tampering, hacking, modifying, or otherwise corrupting or breaching security or authentication measures without proper authorization;
- Transmitting material that contains viruses, trojan horses, worms, time bombs, cancelbots or other computer programming routines or engines with the

- intent or effect of damaging, destroying, disrupting or otherwise impairing a computer's functionality or the operation of the Host's systems;
- Interfering with, intercepting or expropriating any system, data or information to which you do not have the right to access; and
  - Interfering with service to any user, host or network including, without limitation, by means of overloading, "flooding", "mail-bombing", or "crashing" any computer system.

## IRC

We do not allow IRC, Egg Drops, BNC, or IRC bots to be operated on our servers or network. Files with references to IRC or any likeness thereof are prohibited. Also any program that acts like an IRC server or that provide chat functions that run as background processes are not allowed.

## Bulk Mail

You may not use any Communico Service to send Bulk Mail. "Bulk Mail" means email messages of similar content that are sent simultaneously to more than five hundred (500) recipients. Attempts to circumvent this restriction by breaking up bulk email over time, using multiple accounts, or other means will be a violation of this restriction. A mail message sent to other users within your domain names hosted on the Communico system is not considered Bulk Mail.

## Unsolicited Mail

You may not send unsolicited email. Email is unsolicited if you have no pre-existing relationship with the recipient, unless the recipient has published or otherwise provided his or her email address in a manner which implies consent to receive the email. You may not send email of any kind to a person who has indicated that they do not wish to receive it. Any such email shall comply with all laws and regulations, including without limitation, the CAN SPAM Act.

## Message Source

You may not obscure the source of your email in any manner, including by intentionally omitting, forging, or misrepresenting message headers or return addresses.

## Email Abuse Complaints

Complaints from email recipients and third party abuse agencies (e.g. SpamHaus or Spamcop) shall be deemed proof of the facts stated therein unless you provide compelling evidence to the contrary. Communico shall have the right to terminate your mail service if we receive excessive or repeated complaints from your email recipients, regardless of whether you are in breach of this AUP or are otherwise at fault.

## Blacklisting/Retaliation

Communico may terminate your Services if your email address or related IP number(s) is/are blacklisted by any third party, or Communico is retaliated against as a result of your use of the mail system, regardless of whether you are in breach of this AUP or are otherwise at fault.

## UseNet SPAM

The use of dedicated services to send, receive, forward, or post UseNet unsolicited email or posts is a direct violation of Communico's AUP. This includes UseNet services located within the Host network or unrelated third party networks.

### Host Administrative Access

You, the Customer, acknowledges that to facilitate efficient server management, inventory and related activities, the Communico servers may include a Communico administrative account and password and/or a Communico daemon. All reasonable precautions are made by Communico to maintain the security of these tools and the privacy of client data. You will not tamper, hinder, delete or in anyway change the functioning of these tools.

### Disclosure to Law Enforcement

Occasionally, Communico is required by law to submit customer information to law enforcement officials when presented with a valid subpoena or order from a court or governmental entity. Information requested is disclosed as directed pursuant to the subpoena or order. Communico utilizes great care in keeping Customer information safe and private and will only release information described in the subpoena order. Communico will notify Customer of the information request to the extent permitted by the subpoena or order.

### Reporting Violation of the Acceptable Use Policy

Communico accepts reports of alleged violations of this AUP via email.

Reports of alleged violations must be verified and include name, contact information, IP address, and description of the violation. Communico owes no duty to third parties reporting alleged violations; provided, however, Communico will use commercially reasonable efforts to review all verified third party reports and will take appropriate actions.