



Erado Acceptable Use Policy

Effective January 1, 2007

This Acceptable Use Policy ("AUP") sets forth provisions of acceptable use of Erado networks and services. All users of Erado networks and services are required to comply with this policy and all applicable laws and regulations in full, in addition to all terms and conditions of applicable agreements, and any additional policies that may be applicable to a specific service offered by Erado.

Erado strives to provide its customers with the highest quality services available, while at the same time respecting the standards that have been created both within the Internet community, and by legislation. To that end, inappropriate or abusive activities and conduct will not be tolerated on Erado networks. Users of Erado networks are encouraged to review this AUP often for changes or new information. Please send questions, comments, or complaints regarding this AUP to abuse@erado.com.

COMPLIANCE

Duties

Each organization and user that subscribes to Erado services is responsible for complying with this AUP, and for providing assistance to Erado in investigating and resolving any issue. Additionally, Erado customers and users are required to determine the conditions of, and comply with, the acceptable use policies or equivalent documents of all network(s) which their electronic messages transits. Users will be held responsible for the actions of any third party agent that acts on behalf of, or for the benefit of, any end user, and such end users shall be held directly accountable for any violations of this AUP by third party agents. Erado does not control the content of data and electronic messages traversing its networks; accordingly, Erado assumes no responsibility for the content of any data or communication that may be transmitted over its networks.

Configuration

All systems which are connected to Erado networks shall be configured in accordance with industry standards, applicable laws and regulations, specifically to conform with approved "Request For Comments" standards documents which are published from time to time by the Internet Engineering Task Force (<http://www.ietf.org/rfc.html>). Systems sending and receiving electronic messages through Erado networks shall not be configured in any way which misrepresents system-identity information.

Reporting Obligations

Customers of Erado are responsible for immediately reporting to Erado any issue which could compromise the stability, service or security of any user or system connected to or utilizing Erado networks or services.

Resellers and Downstream Service Providers

Resellers and downstream service providers of Erado services are responsible for informing their customers of this AUP and for enforcing its restrictions with regard to their customers' actions. Breach or non-compliance of this AUP by a customer or end-user of a reseller shall be considered a violation of this AUP.

PROHIBITED USES

These lists are not meant to be exhaustive, but merely illustrative of examples of inappropriate and improper conduct, which are prohibited on Erado networks.



Illegal Use

Erado's network may only be used for lawful purposes. The transmission, distribution, or storage of any data or material in violation of any applicable law or regulation is prohibited. This includes, but is not limited to material or data which:

- Infringes any copyright, trademark, trade secret, or other intellectual property right.
- Violates export control laws or regulations.
- Violates any party's confidentiality rights.
- Constitutes use or dissemination of child pornography.
- Is illegal or unlawful.

Abuse

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

- Any conduct which is inconsistent with generally accepted norms and expectations of the Internet community (whether or not detailed in this AUP). Erado reserves the right, in its sole discretion, to make a determination whether any particular conduct violates such norms and expectations.
- Using Erado networks to transmit material that Erado believes to be illegal, obscene, or inappropriate.
- Forging of message headers or identity information, or taking any action with the intent of bypassing restrictions or limits on access to a specific service. This prohibition does not restrict the legitimate non-commercial use of pseudonymous or anonymous services.
- Falsifying identity or contact information (whether given to Erado or other parties).

Security

Users of Erado networks must configure their systems in a secure manner. Should a user's system be exploited by unauthorized persons, the user is responsible for both reporting the violation (where applicable), and then fixing the exploited system. For instance, should the security of a mail server be compromised to distribute unsolicited emails, the user is responsible for immediately re-configuring the system to prevent further unauthorized use. Users are prohibited from interfering or attempting to interfere with services ("Denial of Service Attacks"), whether intentionally or through neglect, of any other user, host, or network. The prevention of "unintentional attacks", such as infection and subsequent propagation of computer viruses, are the responsibility of every user: Anti-virus software should be installed on every system which send and receives electronic messages through Erado networks. Users are prohibited from injecting, intentionally or negligently, false or unauthorized network data into Erado networks.

E-Mail

Users are prohibited from engaging in improper use or distribution of electronic mail ("e-mail"). Users are strictly prohibited from engaging in any of the following activities:

- Sending unsolicited mass or commercial e-mail ("spamming") for any purpose whatsoever.
- Having third parties send out commercial emails on any user's behalf. Using Erado facilities to receive replies from unsolicited emails (commonly referred to as "drop-box" accounts).
- Configuring any email server in such a way that it will accept third party emails for retransmission (commonly known as an "open mail relay").
- If a site has roaming users who wish to use a common mail server, the mail server must be configured to require some form of user identification and authorization.
- Mass or commercial email may be sent only to recipients who have expressly requested receipt of such e-mails, by the sending of an email request to the person performing the mass or commercial mailings. This exchanging of requests, acknowledgements, and final confirmations (commonly referred to as a



"double opt-in" process) must be adhered to in their entirety for any mass or commercial email to be considered "solicited" by Erado.

Users that send mass or commercial e-mail are required to maintain complete and accurate records of all e-mail subscription requests, specifically including the email and associated headers sent by every subscriber, and to immediately provide Erado with such records upon request of Erado. Subscriptions that do not have a specific recipient generated email request associated with them are invalid, and are strictly prohibited. In the absence of positive, verifiable proof to the contrary, Erado considers complaints by recipients of e-mails to be de-facto proof that the recipient did not subscribe or otherwise request the e-mail(s) about which a complaint was generated.

PROHIBITED USE RESOLUTION

First Complaint

Upon receipt of the initial complaint from a third party regarding Prohibited Activity by a Customer or its User, Erado will send a letter (the "First Letter") to the complaining third party that describes Erado policies related to the Prohibited Activity and lists the contact information for the Customer and encloses a copy of the original Complaint received by Erado. Erado also will deliver notice of the Complaint to the Customer by sending a copy of the same letter to the Customer via e-mail to its abuse address so that Customer can identify and remedy the Prohibited Activity. Erado's goal is to put the complainant directly in touch with the party in the best position to remedy the problem,

Second Complaint

Upon receipt of a second complaint after the date of the First Letter related to the same or similar Prohibited Activity of Customer described in the First Letter that clearly indicates that the Prohibited Activity continued after the date of the First Letter, Erado will send a second letter (the "Second Letter") with a copy of the second complaint to the Customer and request that Customer respond in writing to Erado with an explanation and timeline of the actions to be taken by Customer to remedy Prohibited Activity. In the event that Customer does not respond to Erado letter and remedy the Prohibited Activity within five (5) business days, Erado will bill Customer \$2500 to cover Erado administrative costs associated with the Prohibited Activities of Customer.

Third Complaint

Upon receipt of a third complaint after the date of the Second Letter related to the same or similar Prohibited Activity of Customer described in the Second Letter that clearly indicates that the Prohibited Activity continued after the date of the First Letter, Erado will send a third and final letter (the "Third Letter") with a copy of the third complaint to the Customer and request again that the Prohibited Activity cease immediately. In the event that the Prohibited Activity does not cease within three (3) business days, Erado will terminate or suspend its service to its Customer, and will only resume providing service when it receives adequate assurances that such activity will not continue. Erado will also bill Customer \$10,000 to cover Erado administrative costs associated with the Prohibited Activities.

Suspension and Termination of Service

Erado reserves the right to suspend and/or terminate a Customer's Service at any time for any material failure of Customer, its Representatives or its Users to comply with this Acceptable Use Policy.

Modification of Erado's Acceptable Use Policy

Erado reserves the right to modify this AUP from time to time, without notice.