

Acceptable Use Policy

Pipe Ten's Acceptable Use Policy (AUP) is provided to give the Subscriber a clear understanding of what Pipe Ten expects of them while using the service. All Subscriber's of Pipe Ten's Internet services including those who access some of the services but do not have accounts as well as those who pay a service fee to subscribe to the services, must comply with this Acceptable Use Policy (AUP) and the Terms of Service (TOS) and be aware of the (Mass Mailing Policy).

Ordering Pipe Ten's services and accessing the account/server is deemed acceptance of the Terms of Service (TOS) as well as Pipe Ten's Service Level Agreement (SLA) and this Acceptable Use Policy (AUP). Please note that Pipe Ten may terminate the Subscriber's account/server without notice for any breach of these terms.

Pipe Ten support the uncensored flow of information and ideas over the Internet and do not actively monitor Subscriber activity under normal circumstances. Similarly, Pipe Ten do not exercise editorial control over the content of any web site, e-mail transmission, or other material created or accessible over or through the services. However, in accordance with the Terms of Service (TOS), Pipe Ten may remove any materials that, in their sole discretion, may be illegal, may subject them to liability, or which may violate this AUP. Pipe Ten may cooperate with legal authorities and/or third parties in the investigation of any suspected or alleged crime or civil wrongdoing. The Subscriber's violation of this AUP may result in the suspension or immediate termination of the account/server without prior notice.

The following are guidelines for the establishment and enforcement of Pipe Ten's AUP:

- Ensure reliable service to all Subscribers.
- Ensure security and privacy of Pipe Ten's systems and network, as well as the networks and systems of others.
- Comply with existing laws.
- Maintain Pipe Ten's reputation as a responsible service provider.
- Encourage responsible use of the Internet and discourage activities which reduce the usability and value of Internet services.
- Preserve the value of Internet resources as a conduit for free expression and exchange of information.
- Preserve the privacy and security of individual users.

While Pipe Ten is firmly committed to the principles of free speech, certain activities that may be damaging to the resources of both Pipe Ten and the Internet in general and cannot be permitted under the guise of free speech. The resources of Pipe Ten and the Internet are limited, and abuse of these resources by one user has a negative impact on the entire community. Pipe Ten do not routinely monitor the activity of accounts except for measurements of system utilisation and the preparation of billing records.

Subscribers may not use the service or virtual site to publish material, which Pipe Ten determines, at its sole discretion, to be unlawful, indecent or objectionable. For purposes of this policy, "material" refers to all forms of communications including narrative descriptions, graphics (including photographs, illustrations, images, drawings, logos), executable programs, video recordings, and audio recordings.

If a Pipe Ten account is used to violate the Acceptable Use Policy (AUP) or the Terms of Service (TOS), Pipe Ten reserve the right to terminate the service without notice. Pipe Ten prefer to advise customers of inappropriate behaviour and any necessary corrective action, however, flagrant violations of the Acceptable Use Policy will result in immediate termination of service. Pipe Ten's failure to enforce this policy, for whatever reason, shall not be construed as a waiver of their right to do so at any time.

The following constitute violations of this AUP:

- 1) Illegal use: Pipe Ten's services may not be used for illegal purposes, or in support of illegal activities. Pipe Ten reserves the right to cooperate with legal authorities and/or injured third parties in the investigation of any suspected crime or civil wrongdoing.
- 2) Harm to minors: Use of the Pipe Ten service to harm, or attempt to harm, minors in any way, including, but not limited to child pornography.
- 3) Threats: Use of the Pipe Ten service to transmit any material (by e-mail, uploading, posting or otherwise) that threatens or encourages bodily harm or destruction of property.
- 4) Harassment: Use of the Pipe Ten service to transmit any material (by e-mail, uploading, posting or otherwise) that harasses another.
- 5) Fraudulent activity: Use of Pipe Ten service to make fraudulent offers to sell or buy products, items, or services, or to advance any type of financial scam such as "pyramid schemes", "ponzi schemes" and "chain letters."
- 6) Forgery or impersonation: Adding, removing or modifying identifying network header information in an effort to deceive or mislead is prohibited. Attempting to impersonate any person by using forged headers or other identifying information is prohibited. The use of anonymous re-mailers or nicknames does not constitute impersonation.
- 7) Unsolicited commercial e-mail (UCE) / Unsolicited bulk e-mail or SPAM: Subscribers must adhere to Pipe Ten's Mass Mail Policy

(MMP).

8) Unauthorised access: Use of the Pipe Ten service to access, or to attempt to access, the accounts of others, or to penetrate, or attempt to penetrate, security measures of Pipe Ten's or another entity's computer software or hardware, electronic communications system, or telecommunications system, whether or not the intrusion results in the corruption or loss of data, is expressly prohibited and the offending Pipe Ten account is subject to immediate termination.

9) Copyright or trademark infringement: Use of the Pipe Ten service to transmit any material (by e-mail, uploading, posting or otherwise) that infringes any copyright, trademark, patent, trade secret or other proprietary rights of any third party, including, but not limited to, the unauthorised copying of copyrighted material, the digitisation and distribution of photographs from magazines, books, or other copyrighted sources, and the unauthorised transmittal of copyrighted software.

10) Collection of personal data: Use of the Pipe Ten service to collect, or attempt to collect, personal information about third parties without their knowledge or consent.

11) Network disruptions and unfriendly activity: Use of the Pipe Ten service for any activity which affects the ability of other people or systems to use Pipe Ten Services or the Internet. This includes "denial of service" (DOS) attacks against another network host or individual user. Interference with or disruption of other network users, services or equipment is prohibited. It is the Member's responsibility to ensure that their network is configured in a secure manner. A Subscriber may not, through action or inaction, allow others to use their network for illegal or inappropriate actions. A Subscriber may not permit their network, through action or inaction, to be configured in such a way that gives a third party the capability to use their network in an illegal or inappropriate manner. Unauthorised entry and/or use of another company and/or individuals computer system will result in immediate account termination. Pipe Ten will not tolerate any Subscriber attempting to access the accounts of others, or penetrate security measures of other systems, whether or not the intrusion results in corruption or loss of data.

12) Fraud: Involves a knowing misrepresentation or misleading statement, writing or activity made with the intent that the person receiving it will act upon it.

13) Distribution of Viruses: Intentional distributions of software that attempts to and/or causes damage, harassment, or annoyance to persons, data, and/or computer systems are prohibited. Such an offence will result in the immediate termination of the offending account.

14) Inappropriate Use of Software: Use of software or any device that would facilitate a continued connection, i.e. pinging, while using Pipe Ten services could result in suspension service.

15) Third Party Accountability: Pipe Ten Subscribers will be held responsible and accountable for any activity by third parties, using their account, that violates guidelines created within the Acceptable Use Policy.

16) IRC networks: It is absolutely forbidden to host an IRC server that is part of or connected to another IRC network or server. Servers found to be connecting to or part of these networks will be immediately removed from the network without notice. The server will not be reconnected to the network until such time that you agree to completely remove any and all traces of the IRC server, and agree to let Pipe Ten have access to your server to confirm that the content has been completely removed. Any server guilty of a second violation will result in immediate account termination.

Users who violate systems or network security may incur criminal or civil liability. Pipe Ten will cooperate fully with investigations of violations of systems or network security at other sites, including cooperating with law enforcement authorities in the investigation of suspected criminal violations.

As Pipe Ten's Subscribers are ultimately responsible for the actions of their clients over the Pipe Ten network, it is advisable that Subscribers develop a similar, or stricter, policy for their clients.

-- Security --

Subscribers are responsible for any misuse of their account, even if the inappropriate activity was committed by a friend, family member, guest or employee. Therefore, you must take steps to ensure that others do not gain unauthorised access to their account. In addition, Subscribers may not use their account to breach security of another account or attempt to gain unauthorised access to another network or server. A Subscriber's password provides access to their account. It is their responsibility to keep their password secure.

Sharing their password and account access with unauthorised users is prohibited. Subscribers should take care to prevent others from using their account since they will be held responsible for such use.

Attempting to obtain another user's account password is strictly prohibited, and may result in termination of service.

Subscribers must adopt adequate security measures to prevent or minimise the unauthorised use of their account.

Subscribers may not attempt to circumvent user authentication or security of any host, network or account. This includes, but is not limited to, accessing data not intended for them, logging into or making use of a server or account they are not expressly authorised to access, or probing the security of other networks. Use or distribution of tools designed for compromising security is prohibited. Examples of these tools include, but are not limited to, password guessing programs, cracking tools or network probing tools.

-- Network Performance --

Pipe Ten accounts operate on shared resources. Excessive use or abuse of these shared network resources by one customer may have a negative impact on all other customers. Misuse of network resources in a manner which impairs network performance is prohibited by this policy and may result in termination of your account.

On shared shared hosting Subscribers are prohibited from excessive consumption of resources, including CPU time, memory, disk space and session time. Subscribers may not use resource intensive programs which negatively impact other customers or the performances of Pipe Ten systems or networks. Pipe Ten reserves the right to terminate or limit such activities.

-- Reporting Violations of Pipe Ten's Acceptable Use Policy (AUP) --

Pipe Ten requests that anyone who believes that there is a violation of this AUP direct the information to the Abuse Department at abuse@pipeten.com

If available, please provide the following information:

The IP address used to commit the alleged violation. The date and time of the alleged violation. Evidence of the alleged violation. An email with full header information provides all of the above, as do system log files. Other situations will require different methods of providing the information.

Pipe Ten may take any one or more of the following actions in response to complaints:

Issue written or verbal warnings. Suspend the Subscriber's account. Terminate the Subscriber's account. Bill the Subscriber for administrative costs and/or reactivation charges. Bring legal action to enjoin violations and/or to collect damages, if any, cause by violations.

Pipe Ten reserves the right to revise, amend, or modify this Acceptable Use Policy (AUP), the Terms of Service (TOS) and their other policies and agreements at any time and in any manner. Notice of any revision, amendment, or modification will be posted in accordance with the Terms of Service (TOS).