

Acceptable Use Policy for Web Site Hosting

As a provider of web site hosting, and other Internet-related services, Digital Frog Web Hosting offers its clients, and their customers and users, the means to disseminate a wealth of public, private, commercial, and noncommercial information. Digital Frog Web Hosting respects that the Internet provides a forum for free and open discussion and dissemination of information, however, when there are competing interests at issue; Digital Frog Web Hosting reserves the right to take certain preventative or corrective actions. In order to protect these competing interests, Digital Frog Web Hosting has developed an Acceptable Use Policy ("AUP"), which supplements and explains certain terms of each customer's respective service agreement and is intended as a guide to the customer's rights and obligations when utilizing Digital Frog Web Hosting's services. This AUP will be revised from time to time. A customer's use of Digital Frog Web Hosting's services after changes to the AUP are posted on Digital Frog Web Hosting's web site, <http://www.digitalfrog.com.au> or <http://www.australiancomputerresellers.com>, will constitute the customer's acceptance of any new or additional terms of the AUP that result from those changes.

One important aspect of the Internet is that no one party owns or controls it. This fact accounts for much of the Internet's openness and value, but it also places a high premium on the judgment and responsibility of those who use the Internet to disseminate information to others.

When information is disseminated through the Internet, they also must keep in mind that Digital Frog Web Hosting does not review, edit, censor, or take responsibility for any information its clients may create. When users place information on the Internet, they have the same liability as other authors for copyright infringement, defamation, and other harmful speech. Also, because the information they create is carried over Digital Frog Web Hosting's network and may reach a large number of people, including both clients and non-clients of Digital Frog Web Hosting, clients' postings to the Internet may affect other clients and may harm Digital Frog Web Hosting's goodwill, business reputation, and operations. For these reasons, clients violate Digital Frog Web Hosting policy and the service agreement when they, their customers, affiliates, or subsidiaries engage in the following prohibited activities:

Spamming

Sending unsolicited bulk and/or commercial messages over the Internet (known as "spamming"). It is not only harmful because of its negative impact on consumer attitudes toward Digital Frog Web Hosting, but also because it can overload Digital Frog Web Hosting's network and disrupt service to Digital Frog Web Hosting clients. Also, maintaining an open SMTP relay is prohibited. When a complaint is received, Digital Frog Web Hosting has the discretion to determine from all of the evidence whether the e-mail recipients were from an "opt-in" e-mail list.

Intellectual Property Violations

Engaging in any activity that infringes or misappropriates the intellectual property rights of others, including copyrights, trademarks, service marks, trade secrets, software piracy, and patents held by individuals, corporations, or other entities. Also, engaging in activity that violates privacy, publicity, or other personal rights of others. Digital Frog Web Hosting is required by law to remove or block access to customer content upon receipt of a proper notice of copyright infringement. It is also Digital Frog Web Hosting's policy to terminate the privileges of customers who commit repeat violations of copyright laws.

Adult Material

Because the Internet is a global communication tool, and we have clients from nearly every country in the world it is difficult to dictate what is considered "adult material." However, it is not our function to discriminate against those who choose to utilize adult content or adult related material. This being said, there are still several reasons why Digital Frog Web Hosting has created a no adult material policy.

What does Digital Frog Web Hosting consider "Adult Material?"

- Any site whose revenue is gained in part or whole from its adult or adult related content.
- Photos, videos or any web page content showing or inferring nudity on either men or women for non-scientific or non-artistic purposes.
- Revenue-generating hyperlinks to sites who violate any of the above policies.
- Digital Frog Web Hosting will be the sole arbiter in determining what is and what is not "Adult Material".

Why does Digital Frog Web Hosting have this policy?

A virtual server is a shared environment where many servers reside on each particular machine. Consider that an average "adult site" gets more hits than 100 standard websites. Some of the smaller adult sites get around 5 GB of transfer per day. With these types of resources being utilized, our servers would be severely slowed if we allowed these high traffic sites to also reside on our servers. On top of that, we would be forced to raise our prices to pay for the additional bandwidth. We strive to keep our servers fast and inexpensive, and our bandwidth clear; therefore, adult sites are not an option. Digital Frog Web Hosting reserves the right to decide what it considers "adult content", "adult material", "sexually explicit", or "sexually related". Let us know if you are unsure of the approval of your site before placing an order.

Defamatory or Abusive Language

Using Digital Frog Web Hosting's network as a means to transmit or post defamatory, harassing, abusive, or threatening language.

Forging of Headers

Forging or misrepresenting message headers, whether in whole or in part, to mask the originator of the message.

Illegal or Unauthorized Access to Other Computers or Networks

Accessing illegally or without authorization computers, accounts, or networks belonging to another party, or attempting to penetrate security measures of another individual's system (often known as "hacking"). Also, any activity that might be used as a precursor to an attempted system penetration (i.e. port scan, stealth scan, or other information gathering activity).

Background Running Programs

Background daemons in general are prohibited on Digital Frog Web Hosting servers, including, but not limited to, IRC bots, eggdrop, BitchX, XiRCON, warez sites and any other program that interferes with normal server operation. Digital Frog Web Hosting will be the sole arbiter of what constitutes a violation of the above policy.

Distribution of Internet Viruses, Worms, Trojan Horses, or Other Destructive Activities

Distributing information regarding the creation of and sending Internet viruses, worms, Trojan horses, ping, flooding, mailbombing, or denial of service attacks. Also, activities that disrupt the use of or interfere with the ability of others to effectively use the network or any connected network, system, service, or equipment.

Facilitating a Violation of this AUP

Advertising, transmitting, or otherwise making available any software, program, product, or service that is designed to violate this AUP, which includes the facilitation of the means to spam, initiation of ping, flooding, mailbombing, denial of service attacks, and piracy of software.

Export Control Violations

Exporting encryption software over the Internet or otherwise, to points outside Australia, the USA or Canada (through bodies with whom we have agreements).

Usenet Groups

Digital Frog Web Hosting reserves the right not to accept postings from newsgroups where we have actual knowledge that the content of the newsgroup violates the AUP.

Other Illegal Activities

Engaging in activities that are determined to be illegal, including advertising, transmitting, or otherwise making available ponzi schemes, pyramid schemes, fraudulently charging credit cards, and pirated software.

Excessive Email

If your domain receives more than 10,000 (ten thousand) emails within a 24-hour period, we may take actions to protect the server your account is located on from overload by *null routing* your mail for 48-72 hours on the first offense, and 1 week for the second offense. If the mail flood continues, we may be forced to discontinue hosting for your email, or discuss a special plan on a special server so your email flow can be handled properly.

Other Activities

Engaging in activities, whether lawful or unlawful, that Digital Frog Web Hosting determines to be harmful to its clients, operations, reputation, goodwill, or customer relations. As we have pointed out, the responsibility for avoiding the harmful activities just described rests primarily with the client. Digital Frog Web Hosting will not, as an ordinary practice, monitor the communications of its client to ensure that they comply with Digital Frog Web Hosting policy or applicable law. When Digital Frog Web Hosting becomes aware of harmful activities, however, it may take any action to stop the harmful activity, including but not limited to, removing information, shutting down a web site, implementing screening software designed to block offending transmissions, denying access to the Internet, or take any other action it deems appropriate. Digital Frog Web Hosting also is concerned with the privacy of on-line communications and web sites. In general, the Internet is neither more nor less secure than other means of communication, including mail, facsimile, and voice telephone service, all of which can be intercepted and otherwise compromised. As a matter of prudence, however, Digital Frog Web Hosting urges its clients to assume that all of their on-line communications are insecure. Digital Frog Web Hosting cannot take any responsibility for the security of information transmitted over Digital Frog Web Hosting's facilities. Digital Frog Web Hosting will not intentionally monitor private electronic mail messages sent or received by its clients unless required to do so by law, governmental authority, or when public safety is at stake. Digital Frog Web Hosting may, however, monitor its service electronically to determine that its facilities are operating satisfactorily. Also, Digital Frog Web Hosting may disclose information, including but not limited to, information concerning a client, a transmission made using our network, or a web site, in order to comply with a court order, subpoena, summons, discovery request, warrant, statute, regulation, or governmental request. Digital Frog Web Hosting assumes no obligation to inform the client that client information has been provided and in some cases may be prohibited by law from giving such notice. Finally, Digital Frog Web Hosting may disclose client information or information transmitted over its network where necessary to protect Digital Frog Web Hosting and others from harm, or where such disclosure is necessary to the proper operation of the system.

We hope this AUP is helpful in clarifying the obligations of Internet users, including Digital Frog Web Hosting and its clients, as responsible members of the Internet. Any complaints about a client's violation of this AUP should be sent to Beth Harris at customer support. (beth@digitalfrog.com.au)