

## **478east Acceptable Use Policy**

**Server Content:** 478east does not actively monitor dedicated server content for review. 478east believes in the free dissemination of information via our services. Dedicated server content will only be reviewed upon complaint by verified third parties. Content that does not violate local, state and federal law or the AUP is deemed in compliance and shall remain intact. Legal adult content is allowed on 478east dedicated servers. Content deemed in violation will be addressed pursuant to the Methods of Resolution under this AUP as set forth below in the section below titled "Methods of Resolution for Violations of 478east's Acceptable Use Policy".

**IP Addresses:** All Internet Protocol (IP) Addresses are owned and managed by 478east. IP Addresses are non-transferable from 478east, and Customer retains no ownership or transfer rights to IP Addresses. All IP Addresses are assigned by the 478east engineering team on a per VLAN, per server basis. Attempted use of IP addresses not originally allocated for use or IP addresses use on non-assigned VLANs or servers is a violation of this AUP. Violation of the IP Address policy shall trigger the Methods of Resolution under this AUP as set forth below. All IP Addresses are currently registered to 478east via Arin.net assignments. Private IP assignments are available to qualified Customers.

**IRC:** 478east allows the use of private internet relay chat (IRC) servers for communication among private parties. 478east absolutely prohibits the use of IRC servers connected to public IRC networks or servers. IRC servers that result in interference of service, malicious network activity or increased demand on network security services are in direct violation of this AUP. Violation of the IRC policy shall trigger the Methods of Resolution under this AUP as set forth below in the section below titled "Methods of Resolution for Violations of 478east's Acceptable Use Policy".

**Peer to Peer:** 478east allows the use of internet peer to peer software for file sharing purposes. 478east highly recommends strict oversight and management of peer to peer software environments due to the propensity to violate copyright law by sharing commercial software or copyright protected material. The sharing of copyright protected software and material is NOT allowed and is in direct violation of federal law and this AUP. Violation of the Peer to Peer policy shall trigger the Methods of Resolution under this AUP as set forth below in the section titled "Methods of Resolution for Violations of 478east's Acceptable Use Policy".

**Bit Torrent:** 478east allows the use of bit torrent protocols on the public network. 478east highly recommends strict oversight and management of Bit Torrent software environments due to the propensity to violate copyright law by sharing commercial software or copyright protected material. The sharing of copyright protected software and material is NOT allowed and is in direct violation of federal law and this AUP. Violation of the Bit Torrent policy shall trigger the Methods of Resolution under this AUP as set forth below in the section titled "Methods of Resolution for Violations of 478east's Acceptable Use Policy".

The following list represents per se direct violations of this AUP and will be subject to immediate redress under our internal methods of resolution

**Copyright Infringement:** Direct copyright infringement as defined and noted under Title 17, Section 512 of the United States Code are a direct violation of 478east's AUP.

**Unsolicited Email:** The sending or receiving of mass unsolicited email (SPAM) is a direct violation of 478east's AUP. This includes the direct sending and receiving of such messages, support of such messages via web page, splash page or other related sites, or the advertisement of such services.

**Email Bombing:** The sending, return, bouncing or forwarding of email to specified user(s) in an attempt to interfere with or over flow email services is a direct violation of 478east's AUP.

**Proxy Email (SPAM):** The use of dedicated services to proxy email unsolicited users is a direct violation of 478east's AUP. Proxy email is defined as the use of dedicated services to act in concert with other services located inside and outside the network to achieve mass unsolicited email (SPAM) to unrelated third parties.

**UseNet SPAM:** The use of dedicated services to send, receive, forward, or post UseNet unsolicited email or posts is a direct violation of 478east's AUP. This includes UseNet services located within the 478east network or unrelated third party networks.

**Illegal Use:** Any use of dedicated services in a manner which is defined or deemed to be statutorily illegal is a direct violation of 478east'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.

**Child Pornography:** 478east 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 478east's AUP.

**Threats & Harassment:** The 478east network can be utilized for any type of individual, organizational or business use. This does not include threats to or harassment of individuals, organizations or businesses, unless it falls within the bounds of protected free speech under the First Amendment. 478east seeks to serve only as the medium of exchange for information and refrains from decisions on freedom of speech.

**Fraudulent Activities:** 478east prohibits utilizing dedicated services or network services for fraudulent activities. Participation in fraudulent activities is in direct violation of state and federal law and 478east's AUP.

**Denial of Service:** 478east absolutely prohibits the use of dedicated services or network services for the origination or control of denial of service attacks or distributed denial of service attacks. Any relation to DOS or DDOS type activity is a direct violation of 478east's AUP.

**Terrorist Websites:** 478east prohibits the use of dedicated services for the hosting of terrorist-related web sites. This includes sites advocating human violence and hate crimes based upon religion, ethnicity, or country of origin.

**Distribution of Malware:** 478east prohibits the storage, distribution, fabrication, or use of malware including virus software, root kits, password crackers, adware, key stroke capture programs and other programs normally used in malicious activity. Programs used in the normal ordinary course of business are deemed acceptable. Example: Security Company hosting at 478east analyzes the latest root kit for new security analysis/software.

**Phishing:** 478east strictly prohibits any activity associated with Phishing or systems designed to collect personal information (name, account numbers, usernames, passwords, etc.) under false pretense. Splash pages, phishing forms, email distribution, proxy email or any relation to phishing activities will result in immediate removal.

**HYIP or Ponzi Schemes:** High Yield Investment Plans or Ponzi schemes with the intent to defraud end users are illegal and not allowed on the network. This includes hosting, linking and or advertising via email websites or schemes designed to defraud.

**Disclosure to Law Enforcement:** Occasionally, 478east is required by law to submit Customer information to law enforcement officials when presented with a valid subpoena from a court or governmental entity with proper jurisdiction. Information requested is disclosed as directed pursuant to the subpoena. 478east utilizes great care in keeping Customer information safe and private and will only release information described in the subpoena. 478east will notify Customer of the information request as allowed by the subpoena.

**Reporting Violation of the Acceptable Use Policy:** 478east accepts reports of alleged violations of this AUP via email sent to [abuse@478east.com](mailto:abuse@478east.com). Reports of alleged violations must be verified and include name, contact information, IP address, and description of the violation. 478east owes no duty to third parties reporting alleged violations due to lack of privity in contract law. 478east will review all verified third party reports and will take appropriate actions as described within Methods of Resolution as set forth in the table below in the section titled "Methods of Resolution for Violations of 478east's Acceptable Use Policy".

**Disclaimer -** 478east retains the right, at its sole discretion, to refuse new service to any individual, group, or business. 478east also retains the right to discontinue service with notice for repeated violation of the acceptable use policy over time.