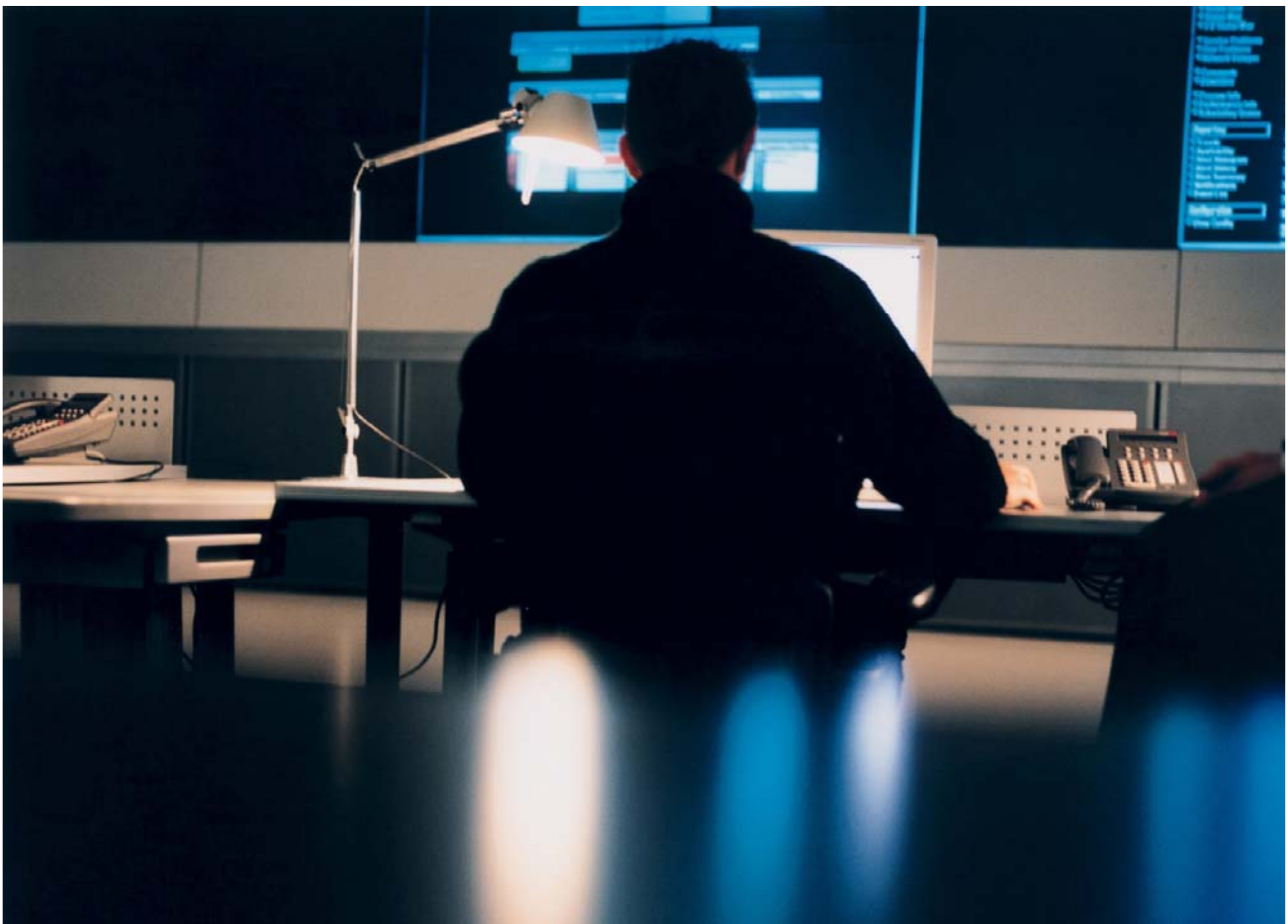


SCHUBERG PHILIS

IP Transit Acceptable Use Guidelines



Schuberg Philis BV

Star Parc, Boeing Avenue 271

1119 PD Schiphol-Rijk

T +31 20 750 65 00

F +31 20 750 65 50

The Netherlands

www.schubergphilis.com


MISSION CRITICAL OUTSOURCING

Schuberg Philis Acceptable Use Guidelines

1. Use of Services

- a. The Customer agrees to use Schuberg Philis' services only for lawful purposes, in compliance with all applicable laws.
 - Specific Activities that are prohibited include, but are not limited to:
 - Threatening harm to persons or property or otherwise harassing behavior.
 - Violating U.S. or Dutch export control laws for software or technical information.
 - Fraudulently representing products/services using your account.
 - Facilitating, aiding, or encouraging any of the above activities.

Additional Activities are prohibited that appear in further sections of these guidelines, including section 2 Use of Material and 3 System Security.
- b. Schuberg Philis reserves the right to investigate suspected violations of these Guidelines. When Schuberg Philis becomes aware of possible violations, Schuberg Philis may initiate an investigation which may include gathering information from the Customer or Customers involved and the complaining party.

During an investigation, Schuberg Philis may block access at the router level to customer's equipment involved. If Schuberg Philis believes, in its sole discretion, that a violation of these Guidelines has occurred, it may take responsive action. Such action may include, but is not limited to, temporary or permanent blocking of access to customer's equipment, and the suspension or termination of the customer's service.

Schuberg Philis, in its sole discretion, will determine what action will be taken in response to a violation on a case-by-case basis. Violations of these Guidelines could also subject the Customer to criminal or civil liability.
- c. The Customer of record is responsible for all use of the services and co-location space, with or without the knowledge or consent of the Customer.

2. Use of Material

- a. Materials in the public domain (e.g., images, text, and programs) may be downloaded or uploaded using Schuberg Philis services. Customers may also re-distribute materials in the public domain.

The Customer assumes all risks regarding the determination of whether the material is in the public domain.
- b. The Customer is prohibited from storing, distributing or transmitting any unlawful material through Schuberg Philis services. Examples of unlawful material include but are not limited to direct threats of physical harm, child pornography, and copyrighted, trademarked and other proprietary material used without proper authorization. The Customer may not post, upload or otherwise distribute copyrighted material on Schuberg Philis's servers without the consent of the copyright holder. The storage, distribution, or transmission of unlawful materials could subject the Customer to criminal as well as civil liability, in addition to the actions outlined in 1b above.
- c. The Customer may not store or distribute certain other types of material. Examples of prohibited material include, but are not limited to, programs containing viruses or Trojan horses and tools to compromise the security of other sites, tools used to collect email

- addresses for use in sending bulk email, or tools used to send bulk mail.
- d. Each Schuberg Philis customer account receives a six digit access and billing account number and a default account password. The Customer is responsible for changing his or her password when the account is activated through Customer Service and have the password changed regularly. This password allows access to the Customer web page and is also used for the Customer to reboot equipment if Power Cycle services are included in their service.
 - e. A remote access password is requested as a condition for receiving service via the Schuberg Philis 24x7 Technical Support number or emergency page to authenticate the caller. The customer may sign a waiver to decline the use of a remote access password and assume all risks, losses and liability that may arise by electing to receive these services without a remote access password. If there is no password or signed waiver from the customer, Schuberg Philis Technical support will be unable to respond to the customer request.
 - f. Each Schuberg Philis Customer is responsible for the equipment security of his or her password. Generally, secure passwords are between 6 and 8 characters long, contain letters of mixed case and non-letter characters, and cannot be found in whole or in part, in normal or reverse order, in any dictionary of words or names in any language. The Customer is responsible for changing his or her equipment password regularly.
 - g. Schuberg Philis staff may monitor the security of Customer passwords at any time. A Customer with an insecure password may be directed to change the password to one which complies with the above rules. Customers who repeatedly choose insecure passwords may be assigned a password by Schuberg Philis.
3. System Security
- a. The Customer is prohibited from utilizing Schuberg Philis services to compromise the security or tamper with system resources or accounts on computers at Schuberg Philis or at any other site. 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.
 - b. Schuberg Philis reserves the right to release the contact information of Customers involved in violations of system security to system administrators at other sites, in order to assist them in resolving security incidents. Schuberg Philis will also fully cooperate with law enforcement authorities in investigating suspected lawbreakers.
4. Usenet News Use
- a. Schuberg Philis may investigate complaints regarding posts of inappropriate material to Usenet by Customers and may, in its sole discretion, take action based on the rules below. Criteria for determining whether a post is inappropriate include, but are not limited to, the written charter/FAQ of the newsgroup(s) in question, the established Usenet conventions outlined below, the system resources consumed by the posting, and applicable laws.
 - b. Usenet news articles posted using Schuberg Philis services must comply with the written charter/FAQ of the newsgroup to which they are posted. If a newsgroup does not have a charter or FAQ, its title may be considered sufficient to determine the general topic of the newsgroup. Schuberg Philis Customers are responsible for determining the rules of a newsgroup before posting to it.
 - c. Established Usenet conventions ("Netiquette") prohibit advertising in most Usenet

newsgroups. Schuberg Philis Customers may post advertisements only in those newsgroups which specifically permit them in the charter or FAQ. Some newsgroups may permit "classified ads" for single transactions between private individuals, but not commercial advertisements. Schuberg Philis Customers are responsible for determining whether or not a newsgroup permits advertisements before posting.

- d. Netiquette prohibits certain types of posts in most Usenet newsgroups. Types of prohibited posts include chain letters, pyramid schemes, encoded binary files, job offers or listings, and personal ads. Schuberg Philis Customers may post these types of message only in newsgroups which specifically permit them in the charter or FAQ (if any). Schuberg Philis Customers are responsible for determining whether or not a newsgroup permits a type of message before posting.
 - e. Schuberg Philis Customers may not alter the headers of posts to Usenet to conceal their email address or to prevent Customers from responding to posts.
 - f. Only the poster of a Usenet article or Schuberg Philis has the right to cancel the article. Schuberg Philis Customers may not use Schuberg Philis resources to cancel articles which they did not post. The sole exception to this rule is for moderators of formally moderated newsgroups; the moderator of a newsgroup may cancel any articles in a newsgroup he or she is moderating.
 - g. Schuberg Philis Customers may not attempt to "flood" or disrupt Usenet newsgroups. Disruption is defined as posting a large number of messages to a newsgroup, which contain no substantive content, to the extent that normal discussion in the group is significantly hindered. Examples of disruptive activities include, but are not limited to, posting multiple messages with no text in the body, or posting many follow-ups to messages with no new text.
5. Email Use
- a. Schuberg Philis will investigate complaints regarding email and may, in its sole discretion, take action based on the rules below. If an email message is found to violate one of the policies below, or to contain unlawful material, as described in 2b and 2c above, Schuberg Philis may take action as outlined in 1b above.
 - b. Schuberg Philis Customers may not send email in any way that may be illegal. Schuberg Philis recognizes that email is an informal medium; however, Customers must refrain from sending further email to a user after receiving a request to stop.
 - c. Unsolicited advertising mailings, whether commercial or informational, are strictly prohibited. Schuberg Philis Customers may send advertising material only to addresses which have specifically requested that material.
 - d. Schuberg Philis Customers may not send, propagate, or reply to mailbombs. Mailbombing is defined as either emailing copies of a single message to many Customers, or sending large or multiple files or messages to a single user with malicious intent.
 - e. Schuberg Philis Customers may not alter the headers of email messages to conceal their email address or to prevent Customers from responding to messages.
 - f. Violations of the Schuberg Philis policies outlined in this document can sometimes result in massive numbers of email responses. If an Schuberg Philis Customer receives so much email that Schuberg Philis resources are affected, Schuberg Philis staff may block access to the customer's equipment at the router level.

6. World Wide Web use
 - a. Schuberg Philis will investigate complaints regarding inappropriate material on Web pages transmitted using Schuberg Philis services, in its sole discretion, require that the material be removed or take action as outlined in 1b above. If you do not agree to be bound by these Acceptable Use Guidelines, please notify Schuberg Philis Customer Service, service@above.net so that we may initiate a closure of your account.