

ACCEPTABLE USE POLICY

This Acceptable Use Policy sets out additional obligations of the Customer when using the Services under the Agreement. Any capitalized terms not defined in this Acceptable Use Policy have the meaning given to them in the Trading Terms (a copy of which is available at www.pacificinternet.com).

1. GENERAL POLICY STATEMENT

- 1.1. The Customer must not (and must ensure that any Authorized User (as defined in Service Schedule – Data Services) does not) use or attempt to use the Services or any PISG Equipment, the PISG Backbone, or the equipment or network of a Provider, in any manner that violates:
 - 1.1.1. any applicable law; or
 - 1.1.2. the rights of any third party (including, without limitation, infringement of copyright, trademark, or other intellectual property right, misappropriation of trade secrets, electronic fraud, invasion of privacy, pornography, obscenity and libel).
- 1.2. The Customer must not (and must ensure that any Authorized User does not) in the course of using any Services engage or attempt to engage in any activities that:
 - 1.2.1. interfere with or disrupt other network users, network services or network equipment; or
 - 1.2.2. involve the unauthorized use of any machine or network, denial of service attacks, falsifying header information or user identification information, monitoring or scanning the networks of others.
- 1.3. For the purpose of clause 1.2, interference or disruption includes, without limitation, distribution of unsolicited advertising or chain letters, repeated harassment of other network users, impersonating another network user, falsifying one's network identity for improper or illegal purposes, sending unsolicited bulk emails, continuing to send someone emails after being asked to stop, propagation of computer worms and viruses, mail bombing and "flashing" and using a network to gain unauthorized entry to any other machine accessible via a network.

2. CUSTOMER EQUIPMENT

- 2.1. The Customer is responsible for ensuring in relation to any Customer Equipment that:
 - 2.1.1. the Customer Equipment complies with any applicable specification required for safe and proper use;
 - 2.1.2. use of the Customer Equipment will not infringe any law or third party rights (including without limitation any Intellectual Property Rights);
 - 2.1.3. the Customer Equipment is operated by operators familiar with the Customer Equipment and instruction manuals and in accordance with published specifications and manufacturers' guidelines; and
 - 2.1.4. the operating environment conforms to the published specifications and requirements of the Customer Equipment, including stable, spike-free electricity supply, air conditioning, service clearances, cable runs, and complies with any relevant occupational health and safety requirements.

3. PISG EQUIPMENT

- 3.1 The Customer is responsible for ensuring in relation to any PISG Equipment that:
 - 3.1.1 the PISG Equipment is kept at the Premises in safe custody at the Customer's risk;
 - 3.1.2 maintain such PISG Equipment in good condition until returned to PISG; and
 - 3.1.3 not dispose of or use PISG Equipment other than in accordance with the Agreement.

4. BREACH

- 4.1. If the Customer or any Authorized User breaches this Acceptable Use Policy, PISG may suspend any or all Services immediately.
- 4.2. PISG may by notice to the Customer elect to give the Customer twenty-four (24) hours (or such longer period specified in the notice) to remedy any breach of this Acceptable Use Policy, before exercising any powers it has under the Agreement.
- 4.3. PISG reserves the right to charge the Customer on a time and materials basis any costs (including labour costs) incurred as a result of or arising from any breach of this Acceptable Use Policy by the Customer or any Authorized User. The Customer is liable for any charges invoiced in accordance with this clause.

5. AMENDMENT

- 5.1. This Acceptable Use Policy may be amended by PISG at any time. The Customer must comply with the terms of this Acceptable Use Policy as amended. The current version of the Acceptable Use Policy is as posted at www.pacificinternet.com.