

## **Acceptable Use Policy**

This AUP governs the use of Black Nova Designs' free hosting, paid hosting, and VPS services. Violation of this AUP may result in suspension or termination of your service. In the event of a dispute between you and Black Nova Designs regarding the interpretation of this AUP, Black Nova Designs' interpretation, in its reasonable commercial judgment, shall govern. If you have any questions regarding this AUP, contact support [ @ ] Black Nova Designs.com.

## **Offensive Content**

You may not publish or transmit via Black Nova Designs' service any content that Black Nova Designs reasonably believes:

- \* constitutes child pornography;
- \* constitutes pornography;
- \* is excessively violent, incites violence, threatens violence, or contains harassing content or hate speech;
- \* is unfair or deceptive under the consumer protection laws of any jurisdiction, including chain letters and pyramid schemes;
- \* is defamatory or violates a person's privacy;
- \* creates a risk to a person's safety or health, creates a risk to public safety or health, compromises national security, or interferes with an investigation by law enforcement;
- \* improperly exposes trade secrets or other confidential or proprietary information of another person;
- \* is intended to assist others in defeating technical copyright protections;
- \* clearly infringes on another person's trade or service mark, patent, or other property right;
- \* promotes illegal drugs, violates export control laws, relates to illegal gambling, or illegal arms trafficking;
- \* is otherwise illegal or solicits conduct that is illegal under laws applicable to you or to Black Nova Designs; or
- \* is otherwise malicious, fraudulent, or may result in retaliation against Black Nova Designs by offended viewers.

Content published or transmitted via Black Nova Designs' service includes web content, e-mail, bulletin board postings, chat, and any other type of posting or transmission that relies on any internet service provided by Black Nova Designs.

## **Security**

It is the responsibility of the client to take reasonable security precautions in protecting their login information to their services and the Black Nova Designs billing area. It is always the client's responsibility to ensure security of their website or VPS service, Black Nova Designs is not responsible for compromised scripts or servers.

## **Bulk Commercial E-Mail**

You must obtain Black Nova Designs' advance approval for any bulk commercial e-mail, which will not be given unless you are able to demonstrate all of the following to Black Nova Designs' reasonable satisfaction:

- \* Your intended recipients have given their consent to receive e-mail via some affirmative means, such as an opt-in procedure;
- \* Your procedures for soliciting consent include reasonable means to ensure that the person giving consent is the owner of the e-mail address for which the consent is given;
- \* You retain evidence of the recipient's consent in a form that may be promptly produced on request, and you honour recipient's and Black Nova Designs' requests to produce consent evidence within 72 hours of receipt of the request.
- \* The body of the e-mail must describe how the e-mail address was obtained, for example, "You opted in to receive this e-mail promotion from our Web site or from one of our partner sites? And information on how to request evidence of the consent, for example, "If you would like to learn more about how we received your e-mail address please contact us at abuse@\*\*yourdomain.com\*\*".
- \* You have procedures in place that allow a recipient to easily revoke their consent - such as a link in the body of the e-mail, or instructions to reply with the word "Remove" in the subject line. Revocations of consent are honoured within 72 hours, and you notify recipients that their revocation of their consent will be honoured in 72 hours;
- \* You must have a Privacy Policy posted for each domain associated with the mailing;
- \* You have the means to track anonymous complaints;
- \* You may not obscure the source of your e-mail in any manner. Your e-mail must include the recipients e-mail address in the body of the message or in the "TO:" line of the e-mail; and
- \* You otherwise comply with the CAN SPAM Act and other applicable law.

These policies apply to messages sent using your Black Nova Designs service, or to messages sent from any network by you or any person on your behalf that directly or indirectly refer the recipient to a site hosted via your Black Nova Designs service. In addition, you may not use a third party e-mail service that does not practice similar procedures for all its customers.

Black Nova Designs may test and otherwise monitor your compliance with its requirements, including requesting opt-in information from a random sample of your list at any time.

## **Unsolicited E-Mail**

You may not send any unsolicited e-mail, either in bulk or individually, to any person who has indicated that they do not wish to receive it.

## **Material Protected by Copyright**

You may not publish, distribute, or otherwise copy in any manner any music, software, art, or other work protected by copyright law unless:

- \* you have been expressly authorized by the owner of the copyright for the work to copy the work in that manner;
- \* you are otherwise permitted by established United Kingdom copyright law to copy the work in that manner.

Free hosting users who violate the ToS or AUP will have their account removed. Premium hosting users will be informed of the violation before action is taken under most circumstances.

#### Copyright Infringement Notice (Digital Millennium Copyright Act)

If you believe your copyright is being infringed by a person using the Black Nova Designs network, please send your written notice of copyright infringement to:

Black Nova Designs,  
23 Tunncliffe Close  
Lawn,  
Swindon  
SN3 1FP  
United Kingdom

Your notice must include the following:

- \* A physical or electronic signature of a person authorized to act on behalf of the owner of an exclusive right that is allegedly infringed;
- \* Identification of the copyrighted work claimed to have been infringed, or if multiple copyrighted works at a single site are covered by a single notification, a representative list of such works at that site;
- \* Identification of the material that is claimed to be infringing or to be the subject of infringing activity and that is to be removed or access to which is to be disabled, and information reasonably sufficient to permit Black Nova Designs to locate the material;
- \* Information reasonably sufficient to permit Black Nova Designs to contact you, such as an address, telephone number, and, if available, an e-mail address;
- \* A statement that you have a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, the copyright owner's agent, or the law;
- \* A statement that the information in the notification is accurate, and under penalty of perjury that you are authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

#### **Other**

You must have valid and current information on file with your domain name registrar for any domain hosted on the Black Nova Designs network.

#### Internet Abuse

You may not engage in illegal, abusive, or irresponsible behaviour, including:

- \* Unauthorized access to or use of data, systems or networks, including any attempt to probe, scan or test the vulnerability of a system or network or to breach security or authentication measures (including those belonging to Black Nova Designs and its customers) without express authorization of the owner of the system or network;
- \* monitoring data or traffic on any network or system without the authorization of the owner of the system or network;
- \* Interference with service to any user, host or network including, without limitation, mail bombing, flooding, deliberate attempts to overload a system and broadcast attacks;
- \* Use of an Internet account or computer without the owner's authorization, including, but not limited to Internet scanning (tricking other people into releasing their passwords), password robbery, security hole scanning, and port scanning;
- \* Forging of any TCP-IP packet header or any part of the header information in an e-mail or a newsgroup posting; or
- \* Any conduct that is likely to result in retaliation against the Black Nova Designs' network.
- \* Use of Black Nova Designs' network in a way that unreasonably interferes with Black Nova Designs' other customers use of the network

### **Newsgroup, Chat Forums, Other Networks**

You must comply with the rules and conventions for postings to any bulletin board, chat group or other forum in which you participate, such as IRC and USENET groups including their rules for content and commercial postings. These groups usually prohibit the posting of off-topic commercial messages, or mass postings to multiple forums.

### **Disclaimer**

Black Nova Designs is under no duty, and does not by this AUP undertake a duty, to monitor or police our customers' activities and disclaims any responsibility for any misuse of the Black Nova Designs network.

Inquiries regarding this policy should be directed to support [ @ ] blacknovadesigns.co.uk