Swan Valley Web Hosting - Acceptable Use Policy

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This Acceptable Use Policy (AUP) governs the use of swan valley web hosting's web hosting services. Violation of this AUP may result in suspension or termination of your service. In the event of a dispute between you and swan valley web hosting regarding the interpretation of this AUP, swan valley web hosting's interpretation, in its reasonable commercial judgment, shall govern.

The following is the entire Acceptable User Policy agreement between swan valley web hosting and the personal or corporate account holder. swan valley web hosting provides World Wide Web hosting, web design and script installation. swan valley web hosting has certain legal and ethical responsibilities consistent with the use of its servers and equipment involved in these services. swan valley web hosting's general policy is to act as a provider of Internet presence. swan valley web hosting reserves the rights to suspend or cancel a customer's access to any or all services provided by swan valley web hosting when we decide that the account has been inappropriately used.

What is Appropriate Usage?

swan valley web hosting is designed to serve the web hosting needs of small, independently owned and operated businesses in Australia. It is not appropriate to use our services to support large enterprises or internationally based businesses with a sustained demand that places undue burden on our systems or negatively impacts use by small, independently owned and operated businesses.

swan valley web hosting is a shared web hosting service, which means that a number of customers' web sites and other email or storage services are hosted from the same server. swan valley web hosting uses abuse controls to help ensure that use of our services does not adversely affect the performance of our system or other customers' sites. It is not appropriate to use an account primarily as an online storage space or for archiving electronic files.

Disk Space

If you use your services consistently with the Terms of Service and these paragraphs, your site can grow as large as necessary to meet your small business needs, but to ensure a great experience for all, we will place some constraints on how fast you can

grow. The vast majority of our customers' sites grow at rates well within our rules, but our abuse controls may cause a brief delay while we evaluate if expansion is appropriate for your particular plan.

swan valley web hosting customers may not initiate the following activities. If any customer does, swan valley web hosting may terminate the account with no refund. Depending on the situation, there will or won't be warnings sent:

a) Use 25% or more of system CPU resources for longer than 90 seconds or 1% of the server's CPU resources for longer than 5 minutes. There are numerous activities that could cause such problems, including: CGI scripts, FTP, PHP, HTTP, etc.

b) Use of any kind of distributed computing software, including but not limited to SETI@home, Node Zero and Folding@home.

c) Run any type of interactive real-time chat applications that require server resources. Remotely-hosted services are fully allowed.

d) Run stand-alone, unattended server-side processes at any point in time on the server. This includes any and all daemons.

e) Run any software that interfaces with an IRC (Internet Relay Chat) network.

f) Run any file sharing, bit torrent or other P2P network services, client or server software.

g) Run any gaming servers such as Counter-Strike, Half-Life, Battlefield 1942, etc.

Bandwidth

In most cases, if you use our services consistently with our Terms of Service, visitors to your web site will be able to download and view as much content from your site as they like. However, in certain circumstances, our server processing power, server memory, or abuse controls could limit downloads from your site. You will always be able to use as much bandwidth as your account has. For example, our Enterprise Plan comes with 40GB bandwidth which is a huge amount, all of this 40GB can be used. Bandwidth is also reset every month.

You are allocated a monthly bandwidth allowance. This allowance varies depending on the hosting package you purchase. Should your account pass the allocated amount, we reserve the right to suspend the account until the start of the next allocation, suspend the account until more bandwidth is purchased at an additional fee, suspend the account until you upgrade to a higher level of package, terminate the account and/or charge you an additional fee for the overages. Unused transfer in one month cannot be carried over to the next month.

Email Storage

You do not have to worry about hitting a storage limit if you use our services consistently with the Terms of Service and our acceptable usage policy. swan valley web hosting will increase your space along with your appropriate small business needs, but our abuse controls may impact the rate of growth or your folder size, and there may be a short delay while we assess your usage. In some cases, creating additional folders or subfolders will help ensure that the system works well for everyone. You will always be allowed to use as much disk space as is allocated to your account.

Unlimited

You may have noticed all of our accounts come with unlimited email accounts, sub-domains, FTP accounts and in some cases domains. This is subject to how much disk space your account has. So you can create as many emails, sub-domains etc. as you want as long as it's within your disk space limit.

Offensive Content

You may not publish or transmit via swan valley web hosting's service any content that swan valley web hosting reasonably believes:

a) constitutes child pornography;

b) constitutes pornography;

c) is excessively violent, incites violence, threatens violence, or contains harassing content or hate speech;

d) is unfair or deceptive under the consumer protection laws of any jurisdiction, including chain letters and pyramid schemes;

e) is defamatory or violates a person's privacy;

f) 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;

g) improperly exposes trade secrets or other confidential or proprietary information of another person;

h) is intended to assist others in defeating technical copyright protections;

i) clearly infringes on another person's trade or service mark, patent, or other property right;

j) promotes illegal drugs, violates export control laws, relates to illegal gambling, or illegal arms trafficking;

k) is otherwise illegal or solicits conduct that is illegal under Australian law or laws applicable to swan valley web hosting;

l) is otherwise malicious, fraudulent, or may result in retaliation against swan valley web hosting by offended viewers.

swan valley web hosting does not accept material such as:

a) Proxy, Warez, Escrow, High Yield Investment Programs (HYIP), illegal Gambling and Lottery sites.

b) Content 'published or transmitted' via swan valley web hosting's 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 swan valley web hosting.

*swan valley web hosting can terminate service for any of the above reasons and it's at swan valley web hosting's sole discretion to issue a refund.

Security

You must take reasonable security precautions. You must protect the confidentiality of your password, and you should change your password periodically.

Bulk Commercial Email

Bulk commercial email, mailing lists and email reflectors are allowed on swan valley web hosting's servers. We do however allow a maximum of 500 emails per hour per account. For any emails sent from your swan valley web hosting account you must adhere to the following rules:

a) Your intended recipients have given their consent to receive e-mail via some affirmative means, such as an opt-in procedure;

b) 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;

c) You may not obscure the source of your e-mail in any manner;

d) You otherwise comply with the Spam Act 2003 (Cth) and other applicable Australian law.

These policies apply to messages sent using your swan valley web hosting 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 swan valley web hosting service. In addition, you may not use a third party e-mail service that does not practice similar procedures for all its customers.

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. You must comply with the rules of

any other network you access or participate in using your swan valley web hosting's services.

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:

a) you have been expressly authorized by the owner of the copyright for the work to copy the work in that manner; or

b) you are otherwise permitted by established Australian copyright law to copy the work in that manner.

swan valley web hosting will terminate the service of repeat copyright infringers.

Other

You must have valid and current information on file with your domain name registrar for any domain hosted on the swan valley web hosting network.

Disclaimer

swan valley web hosting 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 swan valley web hosting network.

Internet Abuse

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

a) 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 swan valley web hosting and its customers) without express authorization of the owner of the system or network;

b) monitoring data or traffic on any network or system without the authorization of the owner of the system or network;

c) Interference with service to any user, host or network including, without limitation, mail bombing, flooding, deliberate attempts to overload a system and broadcast attacks;

d) 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;

e) Forging of any TCP-IP packet header or any part of the header information in an e-mail or a newsgroup posting; or

f) Any conduct that is likely to result in retaliation against the swan valley web hosting network;

g) Use of swan valley web hosting's network in a way that unreasonably interferes with swan valley web hosting's 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.