Acceptable Use Policy (AUP) for Gotgeek.ca

1. INTRODUCTION

Gotgeek.ca operates a private network that is shared by all its users. As such, the conduct of users can enhance or degrade the network connection for themselves and others.

The following policies are designed to maximize the availability of the network for all users by preventing unacceptable use.

Most often, unacceptable use can be prevented by common sense approaches that users can employ themselves. Sometimes however, Gotgeek.ca will have to intervene and prevent one user (intentionally or otherwise) from wrecking the network for themselves and others.

All the users agree to the right of Gotgeek.ca to protect the network as part of their Subscribers Agreement.

Gotgeek.ca trusts that, with the guidelines below, the need for us to intervene will be minimized.

2. Basic Rules

a. **Universality.** All users of **Gotgeek.ca's** network must comply with this **AUP**.

b. **Freedom of information/censorship. Gotgeek.ca** supports the Canadian Charter of Rights and Freedoms, specifically the freedom of speech. Specifically, this translates to the free flow of information and ideas over our network. **Gotgeek.ca**, under normal circumstances, does not actively monitor use of the network except for metering and graphing of data transfer rates.

Gotgeek.ca offers customers access to a private wireless network. This network has, for the customer's convenience, an Internet gateway. The Internet is not owned, operated, managed by, or in any way affiliated with **Gotgeek.ca** or any of its divisions or staff; the Internet is a separate network of computers independent of **Gotgeek.ca**.

There is information accessible through the Internet that some people may find offensive, malicious and even illegal. Use of the network is completely at the user's own risk.

It is not **Gotgeek.ca's** mission or mandate to edit or censor the information that is passed over our network.

c. **Content can be blocked. Gotgeek.ca** reserves the right to remove or block any content or user that, at our sole discretion, could be considered illegal, could degrade or damage the network, could invade the privacy or diminish the human dignity of one of our customers, or could violate this **AUP**. The decision whether or not to allow certain traffic will only be made once an action is brought to the attention of **Gotgeek.ca**

Within the limits of current Privacy laws, **Gotgeek.ca** may cooperate with legal authorities and/or third parties in the investigation of any suspected or alleged crime or civil misconduct without liability for damages from Customers so investigated (Clause 10, Subscribers Agreement).

3. VIOLATIONS OF Gotgeek.ca's ACCEPTABLE USE POLICY

The following uses of the network constitute violations of this **AUP**:

a. **Illegal use.** Transmitting material that, intentionally or unintentionally, violates any local, state, national or international law, or any rules or regulations promulgated there under.

b. **Harm to minors.** Transmitting material that harms, or attempts to harm, minors in any way.

c. **Threats, bullying or stalking.** Transmitting material that threatens, or encourages harm to, a person, their family, or their property.

d. **Harassment or discrimination.** Transmitting material that harasses or discriminates against another.

e. **Fraudulent activity.** Making fraudulent offers to sell or buy items or products or advancing any type of financial scam such as, but not limited to: "pyramid schemes," "Ponzi schemes," "chain letters," etc.

f. **Forgery or impersonation.** Adding, removing, spoofing or modifying identifying network header information in an effort to deceive or mislead another is prohibited. Attempting to impersonate any person by using forged headers or other identifying information is prohibited.

The use of anonymous re-mailers or nicknames **does not** constitute impersonation. Using deliberately misleading headers ("munging" headers) in news postings in order to avoid spam email address collectors **is allowed**.

g. **Unsolicited commercial email/unsolicited bulk email.** Transmitting unsolicited email or unsolicited bulk email is prohibited. Activities that have the effect of facilitating unsolicited email or unsolicited bulk email whether or not that email is commercial in nature.

h. **Unauthorized access.** Accessing or attempting to access the private details of **Gotgeek.ca** users, or attempts to penetrate security measures of **Gotgeek.ca** servers or software are prohibited. Similar attempts against other third party software or servers, electronic communications system, or telecommunications system, whether or not the intrusion results in the corruption or loss of data are also prohibited.

i. **Copyright or trademark infringement.** *Transferring* any material across the Gotgeek.ca network that infringes the copyright, trademark, patent, trade secret, or other proprietary right of any third party, including, but not limited to, unauthorized copies of copyrighted material. Examples of this activity are *transferal* of: digitized photographs and/or text from copyrighted magazines or books, ripped sound-files from copyrighted CDs, and copies of copyrighted software.

j. **Collection of personal data.** Collecting, or attempting to collect, private, personal information about third parties without their knowledge or consent.

k. **Reselling GOTGEEK.CA's Products.** Reselling **Gotgeek.ca's** services without authorization.

l. **Network disruptions, degradation or hijacking.** Any activity that adversely affects the ability of yourself, other people or other systems to use **Gotgeek.ca's** services. This includes, but is not limited to denial of service" (DoS) attacks against another network host or individual user or interference with or disruption of other network users, network products or network equipment. Pinging across the network is expressly prohibited.

   It is the Member's responsibility to ensure that their home network is configured in a secure manner. A Member may not, through action or inaction, allow others to use their home network for illegal or inappropriate actions. A Member may not permit their home network, through action or inaction, to be configured in such a way that gives a third party the capability to use their home network in any manner.

m. **Responsible use of third party networks. Gotgeek.ca** users should use their best judgment when using the Internet or networks other than the one controlled by Gotgeek.ca.

   Violating the AUP of any third-party network is prohibited.

   For example many newsgroups have charters, published guidelines, FAQ's, or "community standards" describing what is and is not considered appropriate. Usenet and other communication technologies can be a valuable resource if used properly. The continued posting of off-topic articles is prohibited. Commercial advertisements are off-topic in most discussion forums, especially regional groups not specifically named for such. The presence of such articles in a group is not indicative of the group's "intended" use. Please familiarize yourself with basic netiquette before posting to a newsgroup or online forum.

   Most newsgroups consider "multi-posting" to 10 or more groups within a two-week sliding window to be excessive.

n. **Fair-Use.** Using a personal, residential or SOHO account for high volume or commercial traffic is prohibited. Such services are intended for periodic, active use of email, newsgroups, file transfers, Internet chat, games, and browsing the World Wide Web. Accordingly, **Gotgeek.ca** maintains the right to suspend network access or terminate any member's Subscribers Agreement following excessive or extended periods of high volume, bandwidth-intensive use.

o. **Exceeding Web Site Size and Traffic Limitations. Gotgeek.ca** Customers may purchase webspace. Each member's webspace is allocated a certain amount of traffic per month (traffic is either metered or calculated on a formula multiplying the number of hits that your site receives by the size of your files). If a site exceeds its maximum monthly allotment of traffic, the site will become unavailable until the beginning of the next calendar month. A site that exceeds the maximum allotment in size will also become unavailable. Unavailability includes but may not be limited to the inability to access the site publicly or to publish to or modify the site's contents via Web creation tools.

p. **Exceeding the contracted bandwidth amounts or causing disruptions and/or excessive loading of the network: Gotgeek.ca** customers may not install certain applications on their servers that create undo packet loading on **Gotgeek.ca's** Network without first obtaining permission from **Gotgeek.ca**. Such activities may be of the form of streaming media or game servers that by their very nature tend to create excessive packet traffic thereby blocking access to the network by other customers. Residential customers are not allowed the use of commercial servers or private servers that have excessive hits causing possible congestion, disruption or degradation of the radio network. **Gotgeek.ca** reserves the right at it's sole discretion to temporarily suspend or terminate service until the situation is remedied or permanently, without violating the customer's service agreement if such activity is causing harm to other customers or the integrity, speed or performance of the radio network.

3. REPORTING VIOLATIONS OF GOTGEEK.CA Acceptable Use Policy

Gotgeek.ca requests that anyone who believes that there is a violation of this AUP direct the information to Director of Network Operations, at: rulegit@gotgeek.ca.

If available, please provide the following information:

- The IP address used to commit the alleged violation
- The original date and time of the alleged violation, as well as the local time, if it differs from the time assigned to the violation from another server or service.
- Any evidence of the alleged violation

Email with full header information provides all of the above, as do syslog files. Different situations can require different methods of providing the above information.

In the event of a violation of the AUP, Gotgeek.ca may take any one or more of the following actions in response to complaints:

- issue warnings: written or verbal
- suspend the Member's newsgroup posting or email privileges
- suspend the Member's account
- terminate the Member's account
- bill the Member for administrative costs and/or reactivation charges
- bring legal action to enjoin violations and/or to collect damages, if any, caused by violations.

Because violations of the AUP can take many forms, **Gotgeek.ca** reserves the right to take any additional steps necessary, within the law, to protect the network and its users from further violations.

If possible, the **Customer** will receive a 24-hours notice to rectify the situation. However, if the problem is not corrected during that notice period, or if the AUP violation is severe in the sole estimation of **Gotgeek.ca** staff, the **Customer's** service may be immediately:

- throttled to a lower speed connection
- suspended
- upgraded to a dedicated (non-shared) connection and billed accordingly.

The action taken will be at **Gotgeek.ca**'s sole discretion.

4. REVISIONS TO THIS ACCEPTABLE USE POLICY

Gotgeek.ca reserves the right to revise, amend, or modify this **AUP** and our other policies at any time and in any manner. Notice of any revision, amendment, or modification will be posted on our web site at www.gotgeek.ca in accordance with the Service Agreement. Most contracts, agreements, product descriptions, current rates, policies and other information may be found on our web site.

_____
Applicant (print name)

_____
Applicant (signature)

_____
Date