



Thank you for reading the Macrolan Acceptable Use Policy (AUP). By accessing this website, or by contracting with us for service, you agree, without limitation or qualification, to be bound by this policy and the terms and conditions it contains, as well as any other additional terms, conditions, rules or policies which are displayed to you in connection with this service/website.

The purpose of this AUP is to comply with the relevant laws of the Republic; to specify to clients and users of our service/website what activities and online behaviour are considered an unacceptable use of the service/website; to protect the integrity of our Infrastructure and to specify the consequences that may flow from undertaking such prohibited activities.

This AUP contains a number of legal obligations which you are presumed to be familiar with. As such, we encourage you to read this document thoroughly and direct any queries to our client services department at **+27 21 4426540**.

This AUP allows Macrolan to maintain the integrity and quality of Infrastructure including Infrastructure provisioned by upstream providers. It is designed to protect Macrolan (including Macrolan clients and their Infrastructure) from abuse and to co-exist within the global internet community as a responsible service provider.

Network, Systems and Services (Infrastructure)

- Users acknowledge that Macrolan is unable to exercise control over the data passing over its Infrastructure and the Internet, including but not limited to websites, e-mail communications, news groups or other material created or accessible over its Infrastructure. Therefore, Macrolan is not responsible for data transmitted over its Infrastructure.
- This AUP applies to and will be enforced for intended and unintended (e.g., viruses, worms, malicious code and/or otherwise unknown causes) prohibited usage.
- Online activity will be subject to available bandwidth, data storage and other limitations of the Infrastructure provided, which Macrolan may, from time to time, revise at its own discretion and without prior notice to Users.
- Macrolan Infrastructure may be used to link into other Infrastructure worldwide and Users agree to conform to the acceptable use policies of this Infrastructure.
- Users of Macrolan Infrastructure include Macrolan clients and their Users. Resellers of Macrolan Infrastructure are responsible for the activities of their Users.
- Users may obtain and download materials available for download off the Internet, but are not permitted to use their Internet access to distribute any copyrighted materials unless permission for such distribution is granted to the User by the owner of the materials.
- Users are prohibited from obtaining, disseminating or facilitating any unlawful materials over Macrolan infrastructure, including but not limited to copying or dealing in intellectual property without authorisation, child pornography and/or any unlawful hate-speech materials.
- To help ensure that all Users have fair and equal use of the Infrastructure and to protect the integrity of our Infrastructure, Macrolan reserves the right, and will take necessary steps, to prevent improper or excessive usage thereof. The actions Macrolan may take include, but are not limited to limiting throughput by preventing or limiting Infrastructure through specific ports or communication protocols and/or complete termination of Infrastructure to Users who grossly abuse the Infrastructure through improper or excessive usage.

Infrastructure Security

- All references to Infrastructure (Macrolan Network, Services, Products and Systems) include the Internet and Infrastructure to which Users may be granted access.
- Users may not circumvent authentication or security of any host, device, network, or account (referred to as "cracking" or "hacking"), nor interfere with service to any User, host, device, or network (referred to as "denial of service attacks"). The host, device, network or account shall also not be used for any illegal purpose, including phishing.

Contact

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Fax: 086 688 6703
Email: info@macrolan.com
Web: www.macrolan.com

Postal

MACROLAN CC
PO Box 6251
Roggebaai
8012

Physical

Unit 12b
The Waverley Business Park
Wycroft Road
Mowbray
Cape Town
7700



- Violations of Infrastructure security by any User is prohibited and may result in civil or criminal liability. Macrolan will investigate incidents involving such violations and may involve and/or co-operate with law enforcement agencies if a criminal violation is suspected. Examples of Infrastructure violations include, without limitation, unauthorised access to or use of Infrastructure including any attempt to probe, scan or test the vulnerability of any Infrastructure or to breach authentication measures without the express authorisation of Macrolan.
- Interference with service to any User, device, host or network including, without limitation, e-mail bombing, flooding, deliberate attempts to overload a system and broadcast attacks are prohibited.
- Forging any TCP-IP packet header (spoofing) or any part of the header information in an e-mail or newsgroup posting is prohibited.

E-Mail usage

- It is explicitly prohibited to send unsolicited bulk mail messages ("junk mail" or "spam") of any kind (commercial advertising, announcements, etc). Spam is unlawful in terms of the Electronic Communications and Transaction Act 2002 and Macrolan is entitled to take appropriate steps against Users in contravention of these provisions.
- Maintaining mailing lists by Users is accepted only with the permission and approval of the list members. Should mailing lists contain invalid or undeliverable addresses or addresses of unwilling recipients those addresses must be promptly removed.
- Users may not forward or propagate chain letters nor malicious e-mail.
- Public relay occurs when an e-mail server is accessed by a third party and utilised to deliver e-mails without the authority or consent of the owner. User e-mail servers must be secure against public relay as a protection to both themselves and the Internet at large. E-Mail servers that are unsecured against public relay often become abused by unscrupulous operators for spam delivery and upon detection such delivery must be disallowed. Macrolan reserves the right to examine User e-mail servers to confirm that their server is not a public relay and the results of such checks can be made available to the User. Macrolan also reserves the right to examine the e-mail servers of Users using Macrolan e-mail servers for "smart hosting", content filtering or similar services to ensure that these servers are properly secured against public relay. All relay checks will be done in strict accordance with the Macrolan policy of preserving User privacy.

Interception

Users acknowledge that Macrolan may be lawfully required to intercept communications in accordance with the provisions of the Regulation of Interception and Provision of Communication-related Information Act 70 of 2003 ("the Act"). Any interception of communications shall be strictly in accordance with the requirements of the Act, as and when required under the Act.

Managing Abuse

Upon receipt of a complaint, or having become aware of an incident, Macrolan reserves the right to:

- Inform the User (or User network administrator) of the incident and require the User to deal with the incident according to this AUP.
- In severe cases, suspend access privileges of the User's entire network until abuse can be prevented by appropriate means.
- Charge the offending parties for administrative costs as well as for machine and human time lost due to the incident.
- Take such action as may be necessary to protect the integrity of Infrastructure, including, but not limited to, system monitoring, protocol management and shutting down of ports affected by viruses, worms or other malicious code.
- Implement appropriate technical mechanisms in order to prevent usage patterns that violate this AUP.

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- Share information concerning the incident with other Internet service providers, or publish the information and make available the Users' details to law enforcement agencies.
- Any one or more of the steps listed above, insofar as they are deemed necessary by Macrolan in its absolute and sole discretion, may be taken by Macrolan against the offending party.

Laws and Legislation

- Macrolan infrastructure may be used only for lawful purposes. Users may not violate any applicable laws or regulations of South Africa within the territory of South Africa. Should the User reside outside of South Africa, the laws of the country in which the User resides shall apply.
- Transmission, distribution or storage of any material on or through the Infrastructure in violation of any applicable law or regulation is prohibited. This includes, without limitation, material protected by copyright, trademark, trade secret or other intellectual property right used without proper authorisation, and material that is obscene, defamatory, constitutes an illegal threat, or violates export control laws.

Legal, Reservation and Non Waiver of Rights

Nothing contained in this policy shall be construed to limit Macrolan rights in any way and Macrolan reserves the right to take any action that it may deem appropriate with respect to such activities, including without limitation:

- Macrolan may investigate suspected violations of this AUP. Investigations may result in the termination of access to and use of Macrolan infrastructure. Macrolan may take action to recover costs and expenses incurred in identifying and resolving abuse.
- Macrolan reserves the right, at its sole discretion, to act against other types of abuse not listed in this AUP and to investigate or prevent illegal activities being committed using Macrolan Infrastructure.
- Macrolan reserves the right to remove any information or materials in whole or in part, that is deemed to be offensive, indecent, or otherwise objectionable.
- Macrolan may take action against individuals, companies or organizations that violate any of the prohibited activities set out herein, or engage in any illegal or unlawful activity while accessing our services, to the fullest extent of the law.
- Macrolan does not guarantee the security of data passing through its Infrastructure. Although Macrolan will provide a "best effort" service, including regular updates on computer viruses and other threats to security of data, it is the responsibility of the communicating parties to safeguard their data, and Macrolan cannot be held liable for any loss or damage arising as result of the failure to do so.
- This AUP may be clarified or modified periodically and Macrolan reserves the right to modify this policy at any time, any such changes coming into effect as soon as they are published on the Macrolan website (www.macrolan.co.za).
- Macrolan does not waive its right to enforcement of this AUP at any time, or prejudice its right to take subsequent action, should Macrolan fail, neglect or elect not to enforce a breach of the AUP at any time.
- This policy forms part of Macrolan standard terms and conditions of service.

All cases of violation of this AUP should be reported to abuse@macrolan.co.za

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