

Hearken Media
Web Hosting Acceptable Use Policy
(“AUP”)

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“Hearken Media” in this document refers to Jonathan Hall dba Hearken Media.

This AUP governs the use of Hearken Media’s web hosting service. Violation of this AUP may result in suspension or termination of your service. In the event of a dispute between you and Hearken Media regarding the interpretation of this AUP, Hearken Media’s interpretation, in its reasonable commercial judgment, shall govern. If you have any questions regarding this AUP, contact support@hearkenmedia.com.

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1. Offensive Content

You may not publish, transmit, or upload via or to Hearken Media’s service any content (including Web content, e-mail, bulletin board postings, blogs, chat, and any other type of posting or transmission that relies on any Internet service provided by Hearken Media) that Hearken Media reasonably believes:

- contains expressions of hate, abuse, offensive images or conduct, obscenity, pornography, or sexually explicit material
- could give rise to any civil or criminal liability
- 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;

- infringes or assists others on infringing on the intellectual property rights of others or on the privacy or publicity rights of others;
- creates a risk to a person's safety or health, creates a risk to public safety or health, compromises national security, or interferes with a investigation by law enforcement;
- improperly exposes trade secrets or other confidential or proprietary information of another person;
- violates or promotes violation of local, provincial, national, or international laws, including those regarding drugs, export control, gambling, or arms trafficking;
- is otherwise illegal or solicits conduct that is illegal under laws applicable to you or to Hearken Media; or
- is otherwise malicious, fraudulent, or may result in retaliation against Hearken Media by offended viewers; or
- restricts or inhibits any other person from using or enjoying Hearken Media's service or website, or which, in the judgment of Hearken Media, exposes Hearken Media or any of its customers or suppliers to any liability or detriment of any type.

2. Security

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

3. Bulk Commercial E-Mail

You must obtain Hearken Media's advance approval for any bulk commercial e-mail, which will not be given unless you are able to demonstrate all of the following to Hearken Media's 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 honor recipient’s and Hearken Media’s 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 honored within 72 hours, and you notify recipients that their revocation of their consent will be honored in 72 hours;
- You must post an *abuse@**yourdomain.com*** e-mail address on the first page of any Web site associated with the e-mail, you must register that address at *abuse.net*, and you must promptly respond to messages sent to that address;
- 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 all applicable law.

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

Hearken Media 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.

4. 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 Hearken Media services.

5. 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 Canadian copyright law to copy the work in that manner.

Hearken Media will terminate the service of repeat copyright infringers.

6. Copyright Infringement Notice

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

Hearken Media
PO Box 562
Telkwa, BC V0J 2X0
Canada

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 Hearken Media to locate the material;
- Information reasonably sufficient to permit Hearken Media 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.

7. Internet Abuse

You may not engage in illegal, abusive, or irresponsible behavior, 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 Hearken Media 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 Hearken Media network.
- Use of Hearken Media's network in a way that unreasonably interferes with Hearken Media's other customers' use of the network

8. 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.

9. Other

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

Your use must also be in compliance with our infrastructure provider's Acceptable Use Policy, available at <https://clientarea.ramnode.com/aup.php> and incorporated into this document by reference.

10. Disclaimer

Hearken Media 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 Hearken Media network.

Inquiries regarding this policy should be directed to support@hearkenmedia.com.