

## 4Com Fair Use Policy - Broadband

4Com's Fair Usage Policy (FUP) is designed to ensure that the Broadband Service we provide to our customers is fast and reliable during peak times and resources are fairly shared between all customers.

Based on historic data statistics, 4Com considers that data transfers during a daily period should not exceed 100GBytes under normal circumstances. 4Com will monitor daily usage and where the usage trend of cumulative data transfer (upstream and downstream) during peak hours (8am – 6pm) exceeds the expected daily level based on a 100GBytes daily total, 4Com reserves the right to reduce or suspend the effective throughput availability for this customer's broadband line. This will continue until such time as the daily usage trend during peak hours has reduced to acceptable levels.

Additionally, it should be noted that 4Com considers the acceptable daily and monthly data transfer to be during any rolling period and not limited to set dates or calendar months i.e. from beginning to end of calendar month. 4Com will monitor usage trends during peak periods and act accordingly. 4Com will not reduce throughput availability unnecessarily or without warning and will review any occurrences where customers feel the service is being reduced.

4com users should consider the Fair usage policy and acceptable usage to be a guideline. Any high or excessive usage which is considered a network or technical risk to 4com or its suppliers will result in reduction or suspension of service. However reasonable warnings will be issued to end users, where possible, to prevent suspension of services.

4Com's FUP works in conjunction with its Acceptable Use Policy (AUP). We would therefore request that in an effort to help our customers understand the 4Com Fair Use Policy, they read our acceptable use policy as this highlights the potential infringements and or illegal use of our broadband network.

Helpful tips to ensure that you stay within your agreement limits:

1. Ensure that if you are using a wireless network at Home and or Business it is properly secured from external access by non-authorised users.
2. Ensure that your connected PC's / network have some form of antivirus, Trojan and Worm protection.
3. Be aware of the data you are downloading and sending.

If any action taken by 4Com is felt to be unjustified, the end user may contact the Technical maintenance Team to raise their case and seek a resolution to any stated infringement.

## 4Com: Acceptable Use Policy

It is a requirement of the 4Com Terms and Conditions that all users of its network or services accept and adhere to the company's Acceptable Use Policy for Internet Access. 4Com may change this policy to include changes in the law or in the acceptable practice of internet use and reserves the right to make such changes without notice and whenever required. The current version of the 4Com Acceptable Use Policy will be published on the web at: [www.4com.co.uk](http://www.4com.co.uk) and all users are responsible for ensuring that they have read and understand the current policy.

Compliance with this Acceptable Use Policy is a contractual requirement. If you fail to observe the terms of this policy your account or service may be liable to termination or suspension. In the event that an account is suspended, 4Com may be prepared, at its sole discretion, to restore the account on receipt of a written statement that the user will not commit any further abuse of the service.

4Com's relationship with its clients, its partners and other network providers depends on responsible conduct from all users. The Company will not hesitate to protect it and other clients and networks should any form of abuse be found to be occurring.

## Why is there a need for a Fair Usage Policy?

4Com is committed to providing their customers with a high quality broadband service suitable for typical business use, at a competitive price. To achieve this, 4Com has built an IP network that only carries data for businesses.

We manage and monitor the available bandwidth carefully and very closely. As with all broadband offerings the available bandwidth is contended across all users. If a group of users uses a disproportionately large amount of bandwidth (i.e. through download or transfer) then this may:

- Negatively impact the available bandwidth for the rest of the users
- Potentially degrade the service for all users
- Drive up the cost of delivering the service to the aggregated 4Com customer base

As 4Com provides a mixture of capped or metered (where we charge for the excess amount used above the stated capped limit) as well as unlimited or un-metered services (where we do not charge for the total amount

of data transferred) it is important that we ensure that all customers use the service fairly. Ultimately providing a poor quality of service is not an option for 4Com. So unfair and disproportionate use of the 4Com service would lead to an increase in prices across all users. In order to ensure a high quality service at a competitive price, a Fair Usage Policy applies to all users.

If a customer's usage is continually excessive, unfair, inappropriate, affects other users enjoyment of our broadband service, or is not consistent with the usage we would typically expect on the customer's current package, we reserve the right to upgrade customers to a package more suited for their usage or, in extreme cases, suspend or terminate their ability to access 4Com broadband services.

## How will this policy affect customers?

Customers that will be affected by this policy are those using significantly higher levels of network capacity i.e. large amounts of data traffic utilising 4Com shared bandwidth.

## What is the policy?

Unless a specific usage cap has been selected as part of the service, the following fair usage threshold has been set for the 4Com broadband product set.

ADSL2+, LLU, Annex M and FTTC services are not expected to transfer more than 100 Gigabytes of data during the course of a month.

Data transfer is measured on the total amount of data downloaded during a particular month.

Should any user exceed their cap, 4Com reserves the right to charge the customer for any usage over and above this level.

### Usage charges when capped level exceeded (Correct as of October 1st 2014)

For each 1GB, or part thereof, used over the cap, the charge will be £1.00 per GB. Part GB usage will be rounded up to the next full GB for the purposes of calculating the charge. 4Com will measure data usage during each calendar month. In the event data usage exceeds any specified cap, usage charges will be calculated and applied in the next customer bill.

## What affect will restricting a customer's service have?

The customer will experience a slowing down of their service. The extent of this degradation will depend on what the customer is doing and how many users are connected to the service. If a small numbers of users are web browsing and reading emails, they will notice a slowing of the service.

If on the other hand they are using peer-to-peer or file-sharing software, or they are downloading/uploading files from the internet or an external server, they will experience a significantly slower service.

## Appeals

Any appeals or concerns regarding decisions made by 4Com regarding usage or broadband performance should be put in email to [maintenance@4com.co.uk](mailto:maintenance@4com.co.uk).

## Use of Networks and the Internet in General

- You must not use the service for the transmission of illegal material. The user agrees to refrain from sending or receiving any materials which may be deemed to be offensive, abusive, indecent, hard-core or pedophile pornography, defamatory, obscene, menacing or otherwise as prohibited by current and future statutes in force. The user agrees to refrain from sending or receiving any material which may be in breach of copyright (including Intellectual Property Rights), confidence, privacy or other rights.

If you are in any doubt as to the legality of what you are doing, or propose to do, you should either take independent legal advice or cease that usage.

- You should be aware that the storage, distribution of or transmission of illegal materials may lead to investigation and possible prosecution by the UK authorities.
- You must not gain or attempt to gain unauthorized access to any computer systems for any purpose. In addition to being a breach of this AUP, such action may lead to criminal prosecution under the Computer Misuse Act.
- You must not send data to the internet using forged addresses or data which is deliberately designed to adversely affect remote machines (including but not limited to denial of service, ping storm, Trojans, worms and viruses).
- You must ensure that local PCs and network connected servers are not configured to allow open relay and must not participate in the sending of unsolicited commercial or bulk email (commonly referred to as 'spam' or 'UCE') including hosting or allowing the hosting of sites or information that are advertised ('spamvertised') by UCE from a third party network or supplier.
- You are prohibited from running 'port scanning' or other software intended to probe, scan, test the vulnerability of or access remote systems or networks except in circumstances where the remote user has given express permission for this to be done.
- You may not divulge your network passwords to third parties and should take all reasonable steps to ensure that such information remains confidential.

## Email

Sending and receiving email involves the same responsibilities and approach as would be used when sending or receiving any other form of communication – written or printed mail, fax, telephone call etc. Most users fully understand what would be considered appropriate and acceptable when communicating with others and apply these considerations to their use of email. There are occasions when some users send mail or engage in online communication that others consider unacceptable – generally regarded as abuse by the online community.

If you find it difficult to determine what might be considered 'abuse' with online communication you should realise that, in general terms, anything that might be unacceptable, and possibly illegal, in other forms of communication will be equally unacceptable and possibly illegal online.

- You should not send emails that might cause annoyance, inconvenience or anxiety to a recipient.
- You should not send any emails likely to cause distress or any material which is offensive, indecent, obscene, menacing or in any way unlawful

- You must not use 4Com mail services or network to send email to any user who does not wish to receive it.
- You must not use 4Com mail services or network to send unsolicited commercial email, in bulk (commonly known as 'spam') or individually.
- You must not use 4Com mail services or network with intent to deprive others of service (e.g. 'mail bomb')
- You must not use false mail headers or alter the headers of mail messages in such a way as to conceal the identity of the sender.
- You must not use any email address that you are not authorized to use.
- You must ensure that any email servers connected to the 4Com network and operated by you are not configured to allow 'open relay'.

Customers who abuse the 4Com email service will be notified that their behavior is unacceptable and may have their accounts suspended, terminated or blocked.

The Company reserves the right to restrict or block internet traffic to or from a Customer server, without prior notification, in the event of a failure to abide by the published terms of the Acceptable Use Policy. This may include, but not exclusively, the transmission of unsolicited email or the presence of an open mail relay.

If a customer account or service is suspended or blocked due to abuse, then service may be restored at 4Com's sole discretion and generally will only be restored on receipt of a written assurance of future compliance with this Policy.

## **Post.4com-broadband.co.uk**

Post.4com-broadband.co.uk is 4com's SMTP relay cluster, providing shared outbound mail services for all 4Com Broadband customers. This policy is an extension of 4Com's above Email AUP, specific to the post.4com-broadband.co.uk service.

Post.4com-broadband.co.uk is a shared SMTP relay service for 4com's customer base and is used by thousands of customers. As such, in order for 4Com to provide the best level of service for all users of this system at all times, the below conditions must be adhered to by every user. Post.4com-broadband.co.uk is pro-actively administered and 4Com work closely with other email providers to limit the amount of SPAM relayed through the system.

- Sending of SPAM or any otherwise offensive/abusive and/or illegal email through the system is prohibited and may result in 4Com blocking the offending IP address/Whole IP range.
- Bulk Email is not advised and 4Com reserve the right to administratively block any sender's IP address and/or IP range that may be abusing the system in this way.
- A limit of 25 recipients per email message exists, to reduce the possibility of compromised computers sending to large numbers of invalid recipients. This action is taken to help prevent post.4com-broadband.co.uk from being blacklisted by other email providers, causing inconvenience to other users of the system.

- Customers are responsible for ensuring email “bounces” i.e. sending to illegitimate/non-existent addresses, often from forged sender addresses are prevented within their own local network, and sent out through 4com’s SMTP service. This also includes relaying bounces from customers own exchange servers to 4com’s SMTP service. 4com reserves the right to place arbitrary limits on its systems in order prevent high occurrences of such bounces or other user activity which may harm 4com’s systems
- Customers are responsible for keeping their computers/network software up-to-date and free from spyware/malware/bots etc. This can be done by running regular antivirus/antispam scans’, ensuring adequate firewalling is in place (both hardware and software) and making sure all recommended Operating System patches are installed.
- Customers are advised against using the post.4com-broadband.co.uk cluster as a ‘smarthost’. Customer-managed email servers are often subject to high volume traffic, which the post.4com-broadband.co.uk system is not designed for.
- Customers are advised to rate-limit emails sent out and send out-of-hours when possible.
- 4Com reserve the right to block, without notice, the IP address and/or whole IP range of any offending customer network on the post.4com-broadband.co.uk system if administrators deem it necessary to protect the system from degraded performance or being blacklisted by other providers.
- Any blocked IP address will be subject to a minimum of 24 hours blocking and may at the discretion of 4com require a release fee to be removed should repeated offences occur.

SPAM – Unsolicited email (also UBE, UCE, Unsolicited Bulk Email/Unsolicited Commercial Email). This is unwanted ‘junk’ email’, usually advertising products or containing illicit or otherwise illegal material.

Bulk Email – (Also ‘Mass Mail’) refers to a large volume of email sent out at any one time. This is usually to a large number of recipients, either numerous recipients per email envelope, or hundreds of recipients in separate emails. Bulk Email also refers to a large number of mails sent within a small timeframe.

Blacklisted – Email servers may ‘blacklist’ another provider’s mail server if it’s seen to be sending lots of junk email. This prevents any other users on that server from sending email to domains hosted by the blacklisting server. This obviously causes large inconvenience for all users, so needs to be avoided.

Smarthost – This is the process of relaying mail from a customer’s own mail server via post.4com-broadband.co.uk. The preferred method of email delivery is to send directly via SMTP.

Rate-limit – If sending to multiple recipients, emails should be sent at a rate of no more than a few emails per minute.