



## ARCSERVE (USA) LLC

### ACCEPTABLE USE POLICY

Arcserve (USA) LLC (“**Arcserve**”) has adopted this Acceptable Use Policy (“**AUP**”). This AUP describes certain acceptable and unacceptable uses of the services provided by Arcserve (the “**Services**”). You are responsible for knowing and abiding by this AUP. YOUR FAILURE TO COMPLY WITH ANY OF THE RULES SET FORTH IN THIS AUP MAY RESULT, AMONG OTHER THINGS, IN THE TERMINATION OF YOUR RIGHT TO USE THE SERVICES AND THE DELETION OF ANY INFORMATION, DATA, OR CONTENT ASSOCIATED WITH THE SERVICES WITH OR WITHOUT FURTHER NOTICE, AS DETERMINED BY ARCSERVE IN ITS SOLE DISCRETION.

This AUP is subject to change by Arcserve at any time by posting an updated acceptable use policy on the website <https://arcserve.com/CloudServices>. Arcserve will indicate at the bottom of this AUP the date such document was last updated, and any changes will be effective immediately upon posting of the revisions on the Site.

### General Requirements

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You must have accurate, current and complete registration information on file with Arcserve.

### Acceptable Use

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Your use of the Services must, at all times, be in accordance with all applicable local, state, federal or international laws, regulations, rules, orders and other requirements, now or hereafter in effect.

### Unacceptable Use

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**Third-Party Rights and Content** – In using the Services, you may not:

- store any messages, text, materials, data, information, software, audio, art, images, photos, video, graphics, or other items or materials (“**Content**”) that infringes upon or violates the copyright, trademark, patent, trade secret, publicity, privacy or other rights of any third party;
- attempt to circumvent any content filtering techniques Arcserve may employ; or
- attempt to defeat or assist others in defeating any technical copyright protections.

**Inappropriate Content** – In using the Services, you may not store any Content that:

- is obscene, pornographic, indecent or sexually explicit or that constitutes, fosters or promotes pornography or bestiality;
- depicts graphic, excessive or gratuitous violence; or
- is derogatory, demeaning, inflammatory, malicious, defamatory, abusive, offensive or hateful.

**Unlawful, Harmful or Prohibited Content or Conduct** – In using the Services, you may not:

- violate any applicable local, state, federal or international laws, regulations, rules, orders and other requirements, now or hereafter in effect;
- store any material that is illegal or fraudulent or that would encourage, solicit, foster, glorify or provide instructions for a criminal or civil offense including, but not limited to, material that promotes illegal drugs, violates export control laws, relates to illegal gambling or illegal arms trafficking, or that any United States or foreign governmental entity considers to be confidential information of a national security interest or similar concern;
- store any material that contains software viruses, corrupted data or any other computer code, files or programs designed to interrupt, destroy or limit the functionality of any computer software or hardware;
- attempt to probe, scan, penetrate or test the vulnerability of a Arcserve system or network;
- attempt to gain unauthorized access to or use of Arcserve’s data or the data of Arcserve’s customers;
- cause any breach of Arcserve’s security or authentication measures;
- attempt to use or access another user’s account without authorization or create a user account under false or fraudulent pretenses; or
- engage in any conduct that is likely to result in retaliation against Arcserve or its employees, officers or other agents including, but not limited to, engaging in behavior that results in any server being the target of a denial of service attack.

No credits will be available under any service level standards provided by Arcserve for interruptions of any Services resulting from AUP violations.

If you believe there is a violation of this AUP and would like to report it to Arcserve, please direct the information to [info@arcserve.com](mailto:info@arcserve.com).