



## **Access Commercial Email Policy**

### **1. Scope of Policy**

Access, Inc.'s ("Access") Commercial Email Policy is to be construed broadly to prohibit all forms of unsolicited and/or deceptive commercial email on the terms set forth below. As used herein, "email" refers broadly to all forms of Internet communication, including but not limited to emails, instant messages, and text messages. As used herein, "Access email address" means any email address or username corresponding to or including a domain owned by Access, Inc. (an "Access Domain"). The Access Domains are set forth below at Section VI. However, the list of Access Domains set forth below does not purport to be a complete or exclusive list. The sending of an email to an Access email address necessarily entails access to, use of, and transmission into the "Access Network," as that term is defined and used below.

### **2. Access' Proprietary Network; Policy Covers Outgoing and Incoming spam**

Access owns the computers, mail servers, and other equipment that make up its Internet network (the "Access Network"). Because the Access Network is the private property of Access, Access has the right to implement and enforce rules governing the use of the Access Network. These rules apply to anyone who uses or accesses the Access Network, including Access Members who send and receive email using the Network and non-Access Members who send email into the Access Network (i.e., who send email to an Access email address or username) or otherwise use or access the Access Network. The prohibitions set forth in this Commercial Email Policy supplement the rules and prohibitions set forth in Access's Acceptable Use Policy ("AUP"). Conduct that violates the AUP may give rise to civil and/or criminal claims by Access even if that conduct is not specifically prohibited in this Commercial Email Policy.

### **3. Prohibited Conduct**

Access prohibits the transmission of any and all unsolicited commercial emails ("spam") into, out of, or through the Access Network. This prohibition includes the sending of spam by any Internet user to an Access email address. Access also prohibits the transmission into, out of, or through the Access Network of any commercial email in which the sender has employed fraudulent or deceptive measures to disguise or obscure the actual source or sender of the email, including but not limited to: (a) the use of forged, false, or modified headers; (b) the use of forged ("spoofed"), invalid, or nonexistent "from" addresses; and/or (c) the intentional use without authorization of a third-party's mail servers or computer equipment to send or relay the commercial email ("third party relay" or "server hijacking"). In addition, Access prohibits the transmission into, out of, or through the Access Network of any commercial email in which the sender has used deceptive, misleading, off-topic, or gibberish language, text, or characters in the subject line or the text of the email, a primary effect of which is to disguise the actual nature or subject of the email. Finally, in relation to any commercial email sent using Internet resources other than the Access Network, Access prohibits the use of or reference to any Access email address or Access Domain in a manner that does or might create the erroneous impression that the email was sent into, out of, or through the Access Network, including but not limited to any reference in the "from" line to an Access email address.

### **4. Effect of Violation**

Violation of this Commercial Email Policy by any person or business entity represents unauthorized access to, trespass upon, and/or use of the Access Network and results in harm to Access. Such violations give rise to civil causes of action in Access' favor pursuant to a variety of federal and state laws, including but not limited to the Computer Fraud & Abuse Act (18 U.S.C. § 1030 et seq.), and common law trespass. Violations of this Commercial Email Policy may also result in criminal sanctions against the involved entities and individuals.

Violation of this Commercial Email Policy may also be actionable under the CAN-SPAM Act of 2003 (the "CAN-SPAM Act"). However, the commission of conduct that violates Access' Commercial Email Policy may result in civil damages and criminal sanctions even if the conduct is not otherwise prohibited by the CAN-SPAM Act.



## 5. Reservation of Access' Rights

Access reserves the right in its sole discretion to take all legal steps and/or employ all technical measures that Access may deem necessary in order to prevent and/or stop violations of the rules governing the use of the Access Network, including the prohibitions set forth in this Commercial Email Policy and the other provisions of Access' AUP. Access' failure to enforce this policy in every instance in which it might have application or in any particular instance as against any particular violator shall not constitute a waiver of Access' rights and remedies.

## 6. Access Domains

acrcinc.com  
access.us  
access.me  
access.ws  
access.cc  
access.mobi  
access.us.com  
accesscorp.com  
accessdns.net  
accessdomains.com  
accessinternet.com  
accessinternet.net  
accessnet.us  
accesswear.com  
axisp.net  
dns-operations.net  
futurelnk.net  
leavenworthwa.net  
myaccess.com  
myvhost.net  
netaccess.com  
netaccess.info  
netaccess.net  
netaccess.org  
netaccess.us  
netaccess.us.com  
tm4u.net  
webaccess.com

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