

ARBINET ACCEPTABLE USE POLICY

This Acceptable Use Policy ("AUP") set forth below defines acceptable practices while using any of Arbinet's services including its data on theXchangeSM (the "Service"). By using the Service, you acknowledge that you and your users (collectively "Customer") have read, understood, and agree to abide by the AUP.

Arbinet does not monitor on-line content; nevertheless, Arbinet may suspend Service in order to remove content that Arbinet deems to be in violation of the AUP. The AUP applies to e-mail, USENET postings, chatting, and browsing, etc.

Customer shall not use the Service for any unlawful purpose. In the event Arbinet is notified of the existence of child pornography being transmitted over Arbinet's trading platform or its members' networks, Arbinet may immediately suspend Service. In the event Arbinet is notified of a violation of the Digital Millennium Copyright Act ("DMCA"), Arbinet will forward such complaint onto Customer. Customer will be expected to abide by the takedown and notice procedures set forth in the DMCA. Customer expressly indemnifies Arbinet from any damages from Customer's failure to abide by the DMCA. Arbinet may, in appropriate circumstances and at its discretion, disable and/or terminate the accounts of users who may be repeat copyright infringers.

Customer shall not intentionally or knowingly access accounts, servers, websites, data, open mail relays, hardware or software to which Customer has no legal rights to access.

Customer shall not knowingly or intentionally engage in any kind of fraudulent transaction or conduct over the Arbinet's switching platform.

Customer shall not transmit or disseminate unsolicited commercial e-mail (UCE), or unsolicited bulk messages (Spam), including advertisements, informational distributions, and charitable or other solicitations. Nor shall Customer utilize UCE or Spam to promote or benefit any sites or businesses that are located on the Arbinet switching platform, nor to collect responses from UCE or Spam regardless of whether sent over the Arbinet switching platform.

Customer may not send or attempt to send e-mail messages or transmit any electronic communications using a name or address of someone other than Customer for purposes of deception. Any attempt to impersonate someone else by altering a source IP address information or by using forged headers or other identifying information, including the domain name is prohibited. Any attempt to fraudulently conceal, forge, or otherwise falsify Customer's identity in connection with use of the Service is prohibited.

Customer shall not knowingly or intentionally transmit or disseminate material that contains a virus, worm, Trojan Horse, or other harmful component(s).

Customer shall not engage in civil infringement of and/or criminal offenses relating to copyright, trade marks or any other intellectual property right in any jurisdiction.

Customer shall not commit any criminal offense (including deliberate transmission of computer viruses) under the Computer Misuse Act 1990 (UK) or any similar legislation in any country.

Customer shall not knowingly or recklessly transmit, display or post to a publicly accessible service any material which is unlawful or actionably defamatory or an invasion of privacy, breach of an intellectual property right or breach of a right of publicity in any jurisdiction with which any publicly accessible service reasonably appears to have any connection or from which it may reasonably be apprehended that a publicly accessible service is likely to be significantly accessed.

Customer shall not transmit, transfer, display or post to a publicly accessible service any material in breach of the Data Protection Act 1998 (UK) or similar legislation in any other country or of any material which is confidential or is a trade secret or which affects the national security of the United States, United Kingdom, or any country or which may expose Arbinet to any retribution or penalty under the laws and/or regulations of the United States or any other country relating to the export of or dealing with military or potentially military resources.

Customer shall not use the Service or the Internet in any manner which is a violation or infringement of any rights of any kind or nature of any person, firm or company within the United States and elsewhere.

Customer shall not permit, directly or indirectly, unauthorized access to the network management equipment of Arbinet or other Internet providers.

Customer shall not forge Internet addresses or other fields in IP packets by the Customer.

Customer shall not engage in any activity that potentially could harm Arbinet's trading platform, its customers' networks or other networks.

Customer shall be responsible for:

- a. Maintaining email addresses (preferably as an email alias) of the forms postmaster@customer.domain and abuse@customer.domain for receiving complaints of network abuse activities, as suggested by Internet Official Protocol Standard RFC 2142. Typically, these email addresses will forward emails to the real user accounts of the responsible persons for treating the network misuse complaints.
- b. The activities of its customer base or end-users and, by accepting service from Arbinet, agrees to ensure that its customers abide by this Policy. If irresponsible or illegal activity continues, even after Arbinet tries to communicate with Customer, then Customer may be subject to an appropriate action in order to stop those activities.

Customer shall send all complaints related to network misuse - including email abuse (SPAM) to abuse@arbinet.net.

Customer shall pay Arbinet a fee of \$500/hour/person for time spent on activities relating to any of the above prohibited activities including, without limitation, SPAM originated from Customer (as determined by Arbinet), which fee Customer acknowledges as reasonable compensation for cost and expense incurred by Arbinet in connection with such activities.

Arbinet reserves the right to modify this Policy at any time by publication of the revised policy on the Arbinet website.