

## HTC Unsolicited Bulk E-mail Policy

### HTC Communications

#### 1. HTC Unsolicited Bulk E-mail Policy

HTC Communications, Inc. ("HTC") owns the computers, mail servers, and other equipment that make up its Internet network (the "HTC Network"). HTC does not authorize the use of the HTC Network to transmit any unsolicited commercial e-mail or unsolicited bulk e-mail, whether or not commercial in nature, (hereinafter collectively referred to as "Spam") into, out of, or through the HTC Network. Activities that have the effect of facilitating Spam are also prohibited.

Violation of HTC's Unsolicited Bulk E-mail Policy by any person(s) or business entity may result in civil and criminal penalties against the sender, including those provided by the [Computer Fraud and Abuse Act](#) (18 U.S.C. 1030 et seq.) Civil and criminal penalties may also apply to email transmitted to the HTC Network in violation of the [CAN-SPAM Act of 2003](#).

#### 2. Email Restrictions

- Internet e-mail sent, or caused to be sent, to or through the HTC Network by adding, removing or modifying identifying network header information in an effort to deceive or mislead or attempt to impersonate any person by using forged headers or other identifying information, including invalid or non-existent domain names or other means of deceptive addressing will be deemed fraudulent and is prohibited.
- E-mail that is relayed from any third party's mail servers without the permission of that third party, or which employs similar techniques to hide or obscure the source of the e-mail, is deemed unauthorized by the HTC Network.
- HTC does not authorize anyone to send e-mail or cause e-mail to be sent to the HTC Network that violates HTC's [Internet Service Agreement](#), [HTC INTERNET ACCEPTABLE USE POLICY](#) or [HTC INTERNET COPYRIGHT INFRINGEMENT POLICY](#) and will take any appropriate legal action described therein in addition to any action specifically resulting from violation of the Policy.
- The harvesting or collecting of e-mail addresses for the purpose of sending Spam or selling the addresses to others is strictly prohibited.

- Transmission into, out of, or through the HTC Network of any Spam 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 e-mail, is deemed unauthorized.
- HTC allows subscribers to send a single e-mail messages to a maximum of 100 recipients in one mailing, not to exceed 500 recipients within a one hour period. All e-mails exceeding these limits will not be delivered and no notice will be given to the sender.
- Anyone who sends more that 500 e-mails within a one hour period will loose the ability to send ANY e-mail messages for 24 hours. A Notice regarding this action will be sent to the violator.
- HTC prohibits the use of or reference to any HTC e-mail address or HTC Domain in a manner that does or might create the false impression that the e-mail was sent to, out of, or through the HTC Network, including but not limited to any reference in the 'from' line to an HTC e-mail address.

HTC will investigate all cases of abuse that are reported to us, regardless of whether the e-mail was sent from our system or we are the victim of forgers. If you want HTC to investigate unsolicited e-mail that appears to come from HTC's Network, please send a complete copy of the message including the full headers of the message, to [abuse@sccoast.net](mailto:abuse@sccoast.net).

### **3. Right to Damages**

- HTC considers most instances of Spam or use of HTC Internet service for other than the intended purpose to be a theft of services and reserve the right to prosecute originators of same in a court of law.
- HTC reserves the right to bring legal action to enjoin violations and/or to collect punitive damages in recompense for (including, without limitation, software, hardware, man hours incurred, and perceived loss of brand reputation) if any harm caused by violation of this policy is done to HTC's Network, equipment or business which requires repair, reconfiguration or restoration of any kind.
- If deemed appropriate by HTC in its sole and absolute discretion, the originator of any Spam will be billed not less than \$500.00 per individual complaint received by HTC staff.

### **4. Revisions to This Unsolicited Bulk Email Policy**

HTC reserves the right to revise, amend, or modify this Policy, our Internet Service Agreement and our other policies and agreements at any time and in any manner. Notice of any revision, amendment, or modification will be posted in accordance with the Internet Service Agreement. HTC's failure to insist upon or enforce strict performance of any provision of this Policy shall not be construed as a waiver of any provision or right on the part of HTC.