

The Acceptable Use Policy and Terms and Conditions of Services

The Acceptable Use Policy of Wakyo Mall Net (“The Policy”) served by Union Capital and Holdings Ltd. regarding server hosting and internet business support for our customers.

“The Policy” is provided to give our customers and users a clear understanding of what Wakyo Mall Net expects of its clients and customers while using the service. All users of Wakyo Mall Net : those who access some of our Services but do not have any accounts, as well as those who pay a service fee to subscribe to the Services, must comply with “The Policy” and our Terms and Conditions of Service.

1. Basic Concept of “The Policy”

- 1) By using our webhosting services of Wakyo Mall Net, you agree to comply with our policies. You are expected to use the Internet with respect, courtesy, and responsibility, giving due regard to the rights of other Internet users and members of Wakyo Mall Net.
- 2) We expect you to have a basic knowledge of how the Internet functions, the types of uses which are generally acceptable, and the types of uses which are to be avoided. Common sense is the best guide as to what is considered acceptable use.
- 3) The followings are unacceptable uses : Illegality in any form, including but not limited to activities such as unauthorized distribution or copying of copyrighted software, violation of Japanese export restrictions, of course, as well as any international business customs, harassment, fraud, trafficking in obscene material, drug dealing, and other illegal activities.
- 4) Since we regard it proper that we keep our community based on ‘win-win’ relation, and to act properly, all payments to Wakyo Mall Net are Non-Refundable.

2. Interpretation:

The provisions of this Policy are intended as guidelines and are not meant to be exhaustive. Generally, conduct that violates law, regulation, or the accepted norms of the Internet community, whether or not expressly mentioned in this Policy, is prohibited.

Back Office of Wakyo Mall Net reserves the right at all times to prohibit activities that damage its commercial reputation and goodwill.

3. Illegal Use

Copyright or trademark infringement: Use of the Wakyo Mall Net service to transmit any material (by e-mail, uploading, posting or otherwise) that infringes any copyright, trademark, patent, trade secret or other proprietary rights of any third party, including, but not limited to, the unauthorized copying of copyrighted material, the digitization and distribution of photographs from magazines, books, or other copyrighted sources, and the unauthorized transmittal of copyrighted software.

Back Office Internet servers for business support may be used only for lawful purposes. Transmission, distribution or storage of any material in violation of any applicable law or regulation is prohibited. This includes, without limitation, material protected by copyright, trademark, trade secret or other intellectual property right used without proper authorization, and material that is obscene, defamatory, constitutes an illegal threat, or violates export control laws. Examples of non-acceptable content or links: "Pirated software", "Hackers programs or archives", "PC Virus program or archives".

We will be the sole arbiters as to what constitutes a violation of this provision.

4. System and Network Security

Violations of system or network security on our Wakyo Mall community are prohibited, and may result in criminal and civil liability in any case and in any countries. Examples include, but are not limited to the following: Unauthorized access, use, probe, or scan of a systems security or authentication measures, data or traffic. Interference with service to any user, host or network including, without limitation, mail bombing, flooding, deliberate attempts to overload a system and broadcast attacks. Forging of any TCP-IP packet header or any part of the header information in an email or a newsgroup posting.

5. Misuse of System Resources

It is a violation for anyone who, including but not limited to, employs posts or programs which consume excessive CPU time or storage space, permits the use of mail services, mail forwarding capabilities, POP accounts, or auto responders other than for their own account; or resale of access to CGI scripts installed on our servers.

6. Tortious Conduct

No one shall post defamatory, scandalous, or private information about a person without their consent, intentionally inflicting emotional distress, or violating trademarks, copyrights, or other intellectual property rights.

7. Spamming and mail bombing and other unsolicited mails

Sending unsolicited mail messages, including, without limitation, commercial advertising and informational announcements, is explicitly prohibited. Malicious intent to impede another person's use of electronic mail services or news will result in the immediate termination of the offending Wakyo Mall Net's account. A user shall not use another site's mail server to relay mail without the express permission of the site.

It is contrary to "The Policy" for customers of Wakyo Mall Net to use our servers to effect or participate in any of the following activities:

To post to any Usenet or other newsgroup, forum, e-mail mailing list or other similar group or list articles, which are off-topic according to the charter or other owner-published FAQ or description of the group or list ;

To send unsolicited mass e-mailings, if such unsolicited e-mailings provoke complaints from the recipients ;

To engage in any of the foregoing activities using the service of another provider, but channeling such activities through a Back Office Internet provided server, or using a Back Office Internet provided server as a maildrop for responses ;

To falsify user information provided to BackOffice Internet or to other users of the service in connection with use of a Back Office Internet service.

8. Consequences of Violation

When Back Office Internet becomes aware of an alleged violation of its Acceptable Use Policy, Back Office Internet will initiate an investigation. During the investigation Back Office Internet may restrict Customer's access in order to prevent further possible unauthorized activity. Depending on the severity of the violation, Back Office Internet may, at its sole discretion, restrict, suspend, or terminate Customer's account and/or pursue other civil remedies. If such violation is a criminal offense, Back Office Internet will notify the appropriate law enforcement department of such violation.

Back Office Internet does not issue service credits for any outages incurred through service disablement resulting from Policy violations.

9. Modification

Back Office of Wakyo Mall Net reserves the right to revise, add, delete, amend, or modify The Policy and our Terms and conditions of Service and our other policies and agreements at any time and in any manner without notice. Notice of any revision, amendment, or modification will be posted in accordance with The Policy and our Terms and conditions of Service.

10. Reporting Network Abuse

Any party seeking to report any violations Back Office Internet's policy may contact via e-mail: cst@tokada.office.ne.jp

If available, please provide the following information in a report:

The date and time of the alleged violation, including the time zone

The IP address used to commit the alleged violation

Evidence of the alleged violation

E-mail with full header information provides all of the above, as do system log files. Other situations will require different methods of providing the above information.

Back Office of Wakyo Mall Net may take any one or more of the following actions in response to complaints :

Issue written or verbal warnings

Suspend the Member's mailing list and/or newsgroup posting privileges

Suspend the Member's account

Terminate the Member's account

Bill the Member for administrative costs and/or reactivation charges

Bring legal action to enjoin violations and/or to collect damages, if any, caused by violations

Back Office of Wakyo Mall Net :

Union Capital and Holdings Ltd.

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