

Acceptable Use and Anti-Spam Policy

InfoRad's Acceptable Use and Anti-Spam Policy (the "Policy") sets forth InfoRad's requirements for our partners, resellers and customers (collectively, "Customers") with respect to acceptable and unacceptable practices using InfoRad services, connections or facilities. Customers must not engage in practices that are (i) illegal, (ii) non-compliant with accepted industry best practice guidelines, (iii) disrupt or damage any InfoRad computer systems or network or other parties' computer systems and networks, or (iv) in violation of any person's rights. This Policy may be amended from time to time.

InfoRad maintains a zero-tolerance policy for any violation of this Policy and requires that its Customers implement and enforce this same zero-tolerance policy.

In using any of InfoRad's SMS services, Customer must comply with all applicable federal and state laws and regulations when using InfoRad services, connections or facilities (which laws may impose more stringent requirements than the guidelines described herein). All Customers must review and comply with the following laws and guidelines, however, this information is not intended to be (i) interpreted as, relied upon, or used as a substitute for the advice of legal counsel, (ii) or considered to be a complete and exhaustive list of all laws and regulations applicable to Client's use of the InfoRad service. In addition to the below laws, various other state and foreign laws may apply to Customer's use of InfoRad services. Each Customer is advised to obtain the advice of its own legal counsel before using the InfoRad services.

A. Telephone Consumer Protection Act ("TCPA") (United States)

The TCPA states that without prior express consent of the called party, it is illegal to use an automatic dialing system to make any call to a consumer's mobile phone or wireless device. Under FCC guidance and applicable case law, calls include text messages. .

The Federal Communication Commission ("FCC") rules implementing the TCPA also prohibit sending unwanted text message solicitations to a wireless phone if the wireless phone number is listed on the national Do-Not-Call registry.

The full text of the TCPA can be found here: <http://www.fcc.gov/cgb/policy/TCPA-Rules.pdf>

The FCC's TCPA Rules can be found here: <http://www.fcc.gov/cgb/policy/Telemarketing-Rules.pdf>

For more information on these matters, see also: <http://www.the-dma.org/guidelines/tcpa.shtml>

B. Telemarketing Sales Rule ("TSR") (United States)

The Telemarketing Sales Rule is a trade regulation developed by the Federal Trade Commission that regulates telemarketing calls.

The full text of the TSR can be found here: <https://www.ftc.gov/enforcement/rules/rulemaking-regulatory-reform-proceedings/telemarketing-sales-rule>

See also: <https://www.ftc.gov/tips-advice/business-center/guidance/complying-telemarketing-sales-rule>

C. CAN-SPAM (United States)

The Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 ("CAN-SPAM") is a federal law regulating the transmission of commercial email messages and Internet-to-phone SMS commercial messages to addresses that reference Internet domains.

The full text of this law can be found here: <http://www.gpo.gov/fdsys/pkg/PLAW-108publ187/pdf/PLAW-108publ187.pdf>

D. CASL (Canada)

Canada's CASL was enacted to promote the efficiency and adaptability of the Canadian economy by regulating certain activities that discourage reliance on electronic means of carrying out commercial activities, and to amend the Canadian Radio-television and Telecommunications Commission Act, the Competition Act, the Personal Information Protection and Electronic Documents Act and the Telecommunications Act ("CASL"), is a Canadian federal law regulating the sending of "commercial electronic messages" or "CEMs". A CEM includes any email message, text/SMS message or other electronic message that is sent to an electronic address and that has as even one of its purposes to

encourage participation in a commercial activity. CASL applies to any CEM sent to or from a computer system located in Canada. CASL requires prior consent to send a CEM and requires that all CEMs meet prescribed form and content requirements. CASL is generally regarded as one of the most stringent anti-spam regimes in the world. Its specific and prescriptive requirements should be carefully considered and must be complied with when sending CEMs to or from computer systems in Canada.

The full text of this law and its accompanying regulations can be found here: <http://laws-lois.justice.gc.ca/eng/acts/E-1.6/index.html>

See also: <http://fightspam.gc.ca/eic/site/030.nsf/eng/home>
<http://www.crtc.gc.ca/eng/casl-lcap.htm>

Restricted Content as used in the Agreement shall mean content that:

- is offensive or obscene;
- is unsuitable for minors;
- promotes, incites or instructs in matters of crime;
- describes, incites or promotes unlawful sexual activity;
- promotes or incites violence against any person or group, or incites racial hatred;
- causes unnecessary alarm, distress or panic;
- breaches a code of practice that applies to the Customer's use of the SMS Messaging Service;
- is false, misleading or deceptive, or likely to mislead or deceive;
- is defamatory;
- is infringing the Intellectual Property Rights of a third party;
- Is fraudulent, abusive or contains tortious material;
- If sent in the United States, contains Non-Public Personal Information;
- If sent in Canada, contains Personal Information; or
- is otherwise unlawful.

To the extent applicable, Customer also agrees to implement and follow industry guidelines when using the InfoRad Service. Specifically, Customer is advised of the following industry guidelines:

A. The U.S. Consumer Best Practices Guidelines for Messaging as established by the Mobile Marketing Association (and as may be amended from time to time by the Mobile Marketing Association). The Guidelines apply to any message of a marketing nature, as well as any message sent via a Short Code.

The full text of the Guidelines is available here: <http://www.mmaglobal.com/files/uploads/Consumer-Best-Practices.pdf>

B. The MMA Code of Conduct for Mobile Marketing as established by the Mobile Marketing Association (and as may be amended from time to time by the Mobile Marketing Association). The Code sets forth general guidelines as to Notice, Choice & Consent, Customization & Constraint, Security and Enforcement & Accountability.

The Code of Conduct can be found here: <http://www.mmaglobal.com/policies/code-of-conduct>

Violation of this Policy may result in termination or suspension of all services provided by InfoRad and may also result in civil, criminal, or administrative penalties against the sender and those assisting the sender.

Any failure to enforce this policy in every instance does not amount to a waiver of InfoRad's rights.

This Policy was last updated November 2016.