# Guidelines

These guidelines protect our customers against irresponsible and illegal activities. They form a component of the contract concluded with maxcluster GmbH. maxcluster GmbH reserves the right to amend these guidelines for the protection of its customers at any time. The valid version of the guidelines can be found on the website. maxcluster GmbH is entitled to the exclusive and unlimited right to interpret its customers' activities on infrastructure provided by maxcluster GmbH and determine the risk potential.

## 1. Illegal use

Any use of the infrastructure in conjunction with illegal activity constitutes a direct breach of these guidelines.
Illegal activities include, but are not limited to:

- Privacy breaches
- Identity theft
- Credit card fraud
- Blackmail

## 2. Offensive content

maxcluster GmbH prohibits the use of websites with offensive content on its infrastructure. Offensive content includes, but is not limited to:

- Any non-PG or pornographic content, including, but not limited to, child pornography or non-consensual sexual activity;
- Content that depicts senseless violence, incites violence or threats violence in addition to harassment or hate speech;
- Content that violates consumer protection law, national authorities or any other judicial entities;,
- Content that violates copyright laws, patent or other protection laws;
- Content that promotes illegal drugs or gambling;
- Content with malicious or fraudulent intent and content that aims to cause harm to maxcluster GmbH by harming its recipients.

## 3. Child pornography

We are against all forms of child abuse and child pornography. The posting of child pornography or other similar website links constitutes a direct violation of national laws and these guidelines.

## 4. Denial of Service

The use of our services, infrastructure and network in order to carry out denial-of-service (DoS) attacks is prohibited. Any indication of a DoS attack, regardless of whether the customer carries out DoS attacks on the infrastructure provided by use or the attacks are carried out by third parties using the infrastructure provided by us to this customer, shall constitute a violation of these guidelines.



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## 5. Misuse of the infrastructure

Any attempt to damage our infrastructure or cause harm to our customers is prohibited. This includes, but is not limited to:

- Unauthorised logins onto a server or secured environment;
- The disruption or expropriation of a server or the unauthorised appropriation or knowledge of data and information;
- Unauthorised access to data or information;
- The use of malware such as viruses, Trojans, worms or other scripts in addition to any activity aimed at harming, corrupting and disrupting the operation of the infrastructure or causing harm to other users;
- The use of disruptive services without restriction or causing overloads.

## 6. Fraudulent activity

Our services must not be used to pursue fraudulent intent. Any participation in fraudulent activity constitutes a direct violation of national law and these guidelines.

### Malware distribution

We prohibit the storage, distribution, processing or use of malware, including viruses, rootkits, password crackers, adware, key capture programs or other programs that may be used with malicious intent.

### Phishing

The operation of phishing services or development of services to collect personal data under false pretences is strictly prohibited. All phishing activity, such as in the form of phishing forms, email distribution or proxy emails, shall be swiftly prevented.

### Vulnerability Scan

Scanners may not be used to check server, network and service vulnerabilities unless maxcluster GmbH has granted its express consent in this regard.

### Mass emails

Our services must not be used for the dispatch of mass emails. Mass emails refer to emails with more than 1000 recipients per hour.

### SPAM

Our services must not be used to send unwarranted mass emails. Unsolicited emails are regarded as unwarranted. In accordance with the pertinent laws and regulations, these emails are classified as spam and consequently prohibited.

## 7. IRC

Our servers or network must not be used to operate IRC services.



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## 8. Complaints and abuse

In the event that we receive any notification of abuse related to, for instance, emails with incorrect or concealed sender information, the dispatch of emails containing malware or unsolicited or concealed commercial communications, we shall handle this situation with the highest priority. We shall regard a complaint as a policy violation until we are provided with compelling evidence to the contrary.

## 9. Digitial Services Act - measures and procedures

1. maxcluster GmbH adheres to the measures set out in the Digital Services Act ("DSA", EU Regulation no. 2022/2065). The users of our customers are responsible for the content they upload, share, or otherwise make available on our services. Any content that violates the DSA, other applicable law or our Terms & Conditions may be subject to removal, and the operators of the application may be subject to account suspension or termination on maxcluster's initiative.

2. We will cooperate with relevant authorities as required by the relevant regulation and DSA, including providing information (including personal data) and assistance in investigations. The single point of contact will be reachable, at the following email address: abuse@maxcluster.de

3. If any person or entity is aware of the presence of specific items of information and/or content in web applications hosted by maxcluster GmbH that individual or entity considers to be illegal content, the individual or entity may contact maxcluster GmbH at abuse@maxcluster.de and send a report (the "**Report**") that meets all of the requirements below:

(a) **a sufficiently substantiated explanation of the reasons** why the individual or entity alleges the information in question to be illegal content; and

(b) a **clear indication of the exact electronic location of that information**, such as the exact URL or URLs, and, where necessary, additional information enabling the identification of the illegal content adapted to the type of content and to the specific type of hosting service; and

(c) the **name and email address of the individual or entity submitting the notice**, except in the case of information considered to involve one of the offenses referred to in Articles 3 to 7 of Directive 2011/93/EU (offenses related to sexual abuse, sexual exploitation, child pornography and contacting children for sexual purposes); and

(d) a **statement confirming the genuine belief of the individual or entity** submitting the notice that the information is accurate and complete.

4. Once maxcluster GmbH receives a report, it will send a confirmation receipt to the individual or entity without undue delay. Where a Report meets the above requirements, maxcluster will notify that person or entity of its decision, providing a "statement of reason". maxcluster GmbH is not required to undertake a detailed legal examination of the facts in the Report, but must carry out a review at the level expected of a diligent hosting provider.

5. If the individual or entity does not agree with maxcluster's decision, they may contact maxcluster GmbH once again, at abuse@maxcluster.de, setting out the reasons they do not agree with the decision. maxcluster GmbH will examine the request and communicate the final decision to the individual or entity. Notwithstanding the above process, the individual or entity may also report the allegedly illegal content or activity to public authorities in order to defend its rights.



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6. To enhance transparency and in compliance with the DSA, maxcluster GmbH may publish reports outlining its content moderation practices, including the number and nature of content removals and user accounts suspended or terminated.

## 10. Resellers

In the event that our customer is a reseller that sublets our services to third parties, the customer shall remain liable for the use of these services. Our guidelines shall apply to the same extent in this case.
The reseller shall be required to settle our invoices Furthermore, the customer shall be responsible for providing support to his end customer.

## 11. Policy violations

This guideline intends to draw the customer's attention to the pertinent laws, the high quality of our services and our customer's rights. Each policy violation shall be pursued. Furthermore, we endeavour to help our customers to comply with these guidelines.

## 12. Procedure in the case of policy violations

### Review of the violation

We shall notify our customers by email if we detect any potential violations of our guidelines. This email constitutes a request to our customers to contact us in order to check whether a violation has taken place and to introduce all measures required to remedy the issue promptly.

### Confirmation of a violation

If our suspicions of a policy violation are confirmed, we shall send an email to our customers containing the circumstances related to the violation and more information on the situation. We shall also provide detailed information on the measures that need to be introduced by the customer to remedy the violation.

### The customer ignores our emails, introduces inadequate measures or intentionally violate our guidelines

If we fail to receive a response to our email on the policy violation or the customer introduces inadequate measures in order to restore conformity with our guidelines, we will temporarily take the customer's infrastructure off the public network. As a result, the customer will only be able to access his infrastructure via a separate network. Access to the public network will be restored once the violation has been remedied.

### Compliance with our guidelines is not restored

In the event that the customer ignores a violation of our guidelines and does not contribute to solving the problem, consequently countering efforts to restore compliance with our guidelines, as a last resort, maxcluster GmbH will cease provision of the infrastructure. Permanent suspension of services entails termination of the contractual relationship with the customer.



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### Repeated policy violations

If the customer commits repeated or several violations against our guidelines, we reserve the right to cease the provision of our services.

### Feasible immediate measures

We shall be entitled to cease server services immediately if the servers perform or react in a manner that deviates from normal operation resulting in significant impairment of the security, integrity or availability of our infrastructure. This shall also apply in the event that we objectively have reason to believe this form of impairment may have occurred.

## 13. Disclaimer

In the event that compliance with the concluded Service Level Agreement cannot be ensured due to a violation of our guidelines, a credit note shall not be issued as per our Service Level Agreement.
Furthermore, we reserve the right to refuse individuals or entities as customers at our discretion and deny the purchase of our services.



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