

# Abuse Policy

ABUSE POLICY NOVOSERVE B.V. - VERSION 02-11-2018

By means of this document, NovoServe B.V. [hereinafter referred to as NovoServe] wishes to point out to its customers and users of NovoServe services [hereinafter referred to as user(s)] the consequences of violating the Acceptable Use Policy [AUP]. In addition, this document describes how Internet users can report a violation of the AUP to NovoServe.

NovoServe applies a separate Notice & Take Down [NTD] procedure for reports of violations of the AUP with regard to unlawful and/or punishable content on the Internet, which is described below. For other violations of the AUP, the procedure described below applies.

## Notice & Take Down

NovoServe applies a specific Notice & Take Down [NTD] procedure for reporting violations of the Acceptable Use Policy with regard to unlawful and/or punishable content on the Internet. This procedure is based on, and thus endorses, the [NTD code of conduct](#) launched in 2008. We make a distinction between notifications from companies and private individuals on the one hand, and actions, interventions and requests from/by authorities (government) on the other hand. We use the NTD procedure described here for notifications. In the case of actions and requests from authorities, we only act on the basis of a hard, legal basis such as a ruling, decision or order.

## Submission of a Notification

- In first instance, the notifier should contact the content provider in order to reach an agreement.
- A notification to NovoServe must contain the following information in order to be dealt with:
  - a statement that the notification concerns an NTD request;
  - the detector's contact details;
  - a description of the failed attempt to reach agreement with the content provider;
  - the data that NovoServe needs in order to be able to assess the content, including at least the location of the unlawful and/or punishable content (URL);
  - a description of why the content is unlawful and/or punishable according to the notifier;
  - a motivation for approaching NovoServe as the most appropriate intermediary to act;
  - an explicit indemnification against claims by the content provider as a result of taking

measures to deal with the notification.

- The notification should be emailed to [abuse@novoserve.com](mailto:abuse@novoserve.com).
- The notifier is responsible for a correct and complete notification.

## **Handling of the Notification**

After NovoServe has received the NTD report, NovoServe shall respond to the notification in substance within two working days (48 hours) and indicate which of the options below applies. NovoServe may decide to request a 3rd party to assess the content of the notification, in cases where it is suspected that exposure to the content is harmful to NovoServe or the evaluating NovoServe employee. The personal data of the notifier and content provider will not be provided to the 3rd party in these cases. When providing information to the notifier and/or the content provider, the personal data of the notifier or content provider will not be provided without permission. If NovoServe or the 3rd party determines that the notification:

- is manifestly unlawful and/or manifestly punishable and NovoServe is aware that there is an investigative interest in making the content accessible, NovoServe shall not proceed to making the content inaccessible. The notifier will be informed of this by NovoServe.
- is manifestly unlawful and/or manifestly punishable and there's an emergency situation that justifies no further delay, NovoServe shall immediately proceed to making the content inaccessible if this is proportionally possible. The content provider and notifier shall be informed of this by NovoServe.
- is manifestly unlawful and/or manifestly punishable, NovoServe shall inform the content provider about the notification and request it to make the content inaccessible within two working days (48 hours). The notifier shall be informed of this by NovoServe. In case the content provider:
  - has proceeded to make the content inaccessible within two working days, NovoServe shall inform the notifier accordingly;
  - has not proceeded to make the content inaccessible within two working days (48 hours) and has informed NovoServe that there is an investigation interest in keeping the content accessible, NovoServe shall not proceed to making the content inaccessible. The notifier will be informed of this by NovoServe;
  - has not proceeded to make the content inaccessible within two working days (48 hours), NovoServe shall do so if this is proportionally possible. The content provider and notifier shall be informed of this by NovoServe;
  - is not manifestly unlawful and/or manifestly punishable, NovoServe shall inform the content provider of the notification. The notifier will be informed of this by NovoServe.

## **Other Abuse**

The following procedure applies to violations of the AUP other than unlawful and/or punishable content on the Internet.

## **Abuse with Complaint**

A complaint with NovoServe must contain the following information in order to be dealt with:

- a statement that the report concerns an abuse complaint;
- the detector's contact details;
- a description of the abuse;
- the data that NovoServe needs to verify the abuse, e.g. IP addresses, logs, etc.

The abuse complaint should be emailed to [abuse@novoserve.com](mailto:abuse@novoserve.com).

## **Handling of the Complaint**

After NovoServe has received the abuse complaint, NovoServe will respond to the report within two working days (48 hours). NovoServe offers as much cooperation as possible to the complaining party in order to investigate the complaint as well as possible. No confidential information will be provided. If a complaint turns out to be justified, NovoServe can decide to suspend the service to the party causing the complaint until consultation has taken place between the user concerned and an employee of NovoServe. If these consultations do not lead to a satisfactory solution for NovoServe, NovoServe may decide to discontinue the service to the user with immediate effect and to dissolve the contract concluded with the user with immediate effect.

## **Abuse Without Complaint**

If NovoServe detects behavior that is contrary to the AUP, NovoServe may decide to suspend the service to the party causing the problem until consultation has taken place between the user concerned and an employee of NovoServe. If these consultations do not lead to a satisfactory solution for NovoServe, NovoServe may decide to discontinue the service to the user with immediate effect and to dissolve the contract concluded with the user with immediate effect.

## **Modification of Abuse Policy**

NovoServe reserves the right to amend this Abuse Policy unilaterally in the light of social and technical developments.

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