

## EmailMarketer Anti-Spam Policy

Online Visions Web & Multimedia Pty Ltd, supplier of the EmailMarketer service, has a zero tolerance for Spam, otherwise known as Unsolicited Broadcast Email (UBE) or Unsolicited Commercial Email (UCE). Any user found to be distributing Spam using EmailMarketer will have immediate cancellation of their account and be reported to the appropriate Anti-Spam authorities. EmailMarketer is fully compliant CAN-SPAM software.

### CAUBE Member

Online Visions Web & Multimedia Pty Ltd is a member of the Coalition Against Unsolicited Bulk Email (CAUBE) to help in the effort against spammers and their unwanted email.

**EmailMarketer is designed ONLY for permission-based email management practices. In this regard, we have implemented various policies and procedures that:**

1. Help prevent EmailMarketer from being used for the purpose of unsolicited email campaigns.
2. Encourage permission-based marketing.
3. Respond to all complaints suggesting EmailMarketer has been used as a vehicle to send unsolicited email.

**Your use of EmailMarketer is subject to the compliance of this Anti-Spam Policy and acceptance of the EmailMarketer terms & conditions.**

### 1. What Is Spam?

The Australian Spam Act 2003 defines Spam as unsolicited broadcast or commercial email that is sent to addresses that do not affirmatively and verifiably request such material from that specific sender, including but not limited to advertising, surveys, information pieces, third party spamming, website addresses, sales, and auctions.

### 2. Customers

#### 2.1. Anti-Spam Compliance

Emailmarketer customers (users of our email marketing software) are strictly prohibited from sending spam via emailmarketer.com.au and need to comply with the provisions of the Spam Act when sending commercial electronic messages. To ensure that you are compliant with the Spam Act and this policy, you must comply with the following:

##### a. CONSENT

Unsolicited commercial electronic messages must not be sent.

You must have the consent from the recipient to send commercial electronic messages to them

It is recommended customers utilise double opt-in process EmailMarketer offers for mailing list subscriptions, this is where the subscriber must first sign up to your mailing list via your website, and then confirm their request via an email activation link.

##### b. IDENTIFY

Commercial electronic messages must include accurate sender information

It is important in each electronic message you send that clear and accurate information is provided about the person or business that is responsible for sending the commercial electronic message.

##### c. UNSUBSCRIBE

Commercial electronic messages must contain a functional unsubscribe facility.

EmailMarketer automatically generates an unsubscribe link at the bottom of your email campaign if it is not detected.

Unsubscribe requests are dealt with automatically; you do not need to manually remove the subscriber from your mailing list.

#### 2.2. Monitoring

We actively monitor for unusual activity within EmailMarketer. Our monitoring is for the objective of ensuring that this policy is adhered to and that EmailMarketer is not used for the distribution of Spam. Our monitoring includes:

- a. Determining overall compliance with the Spam Act 2003 and this Anti-Spam Policy.
- b. Email campaign information (content of campaign, the email address to which it is being sent from & number of messages being sent)
- c. IP address of the account holder
- d. If we have received a complaint, and/or report that you are sending, or have previously sent, Spam or an electronic message to someone without their consent.

In each instance the account may be investigated for illegitimate activity.

### 2.3. Privacy

If we monitor the conduct of your account we will safeguard your privacy subject to the terms of our Privacy Policy.

### 2.4. Action

If we believe that your use of the EmailMarketer software is in breach of the Spam Act 2003 or that you have not complied with this policy we may:

- a. warn you by email (however we are not obliged to do so);
- b. suspend or terminate your access to EmailMarketer immediately without notice
- c. notify and provide relevant information to the authorities, as appears appropriate in the circumstances.
- d. If we are made aware that EmailMarketer has been used in any activities involving spamming activities or processes, or inappropriately dealing with databases and contact lists, we reserve the right to terminate the account immediately without notice. In the event of a termination of membership for improper use, there will be no refund of any credit accrued by the user.

You agree that you will have no claim against Online Visions in respect of any action reasonably taken by Online Visions in its implementation of the terms of this Anti-Spam Policy, and you indemnify Online Visions against any claim by a User arising out of the same.

## 3. Recipients

Despite our best efforts to eliminate potential issues, there remains the possibility that an EmailMarketer customer may send emails to a person/s who consider the email as undesirable solicitation or unwanted communications. This may be due to a misunderstanding between our customer and the recipient, or an abuse of our email policies. Initially, we ask email recipients to first consider if they are indeed part of the "opt-in" email list that the publisher identified in the email has used. If this is not the case, we ask that the recipient report any potential breach via the following procedure:

1. We encourage anyone with a complaint to first contact the sender directly and request immediate removal from their mailing list(s), or click on the unsubscribe link at the bottom of the email you have received. In the event there has been a misunderstanding between our customer and the recipient this is generally sufficient to resolve such matters.
2. If step 1 has an unsatisfactory result, report the incident by emailing [reportspam@emailmarketer.com.au](mailto:reportspam@emailmarketer.com.au). Within this report you should include:
  - a. The sender's (EmailMarketer account holder) email address
  - b. A copy of the email you received
  - c. Any action you have already taken either directly relating to the correspondence either to the account holder or via any other parties/authorities.
  - d. The email address to which you received the message to.
  - e. Any other relevant information you can provide.
3. Each complaint will then be investigated to validate its origin, content and scope.
4. Where a complaint can be validated we will, where we believe we have the legal requirement to do so:
  - a. Flag the account as having a complaint against it and the details of that complaint recorded; and or
  - b. Notify the account holder that they has been a report made against them and inform them of any required action; and or
  - c. Unsubscribe the complainant from the mailing list; and or
  - d. Terminate or suspend the account holders access to EmailMarketer
5. If false complaints are made we reserve the right to commence legal action to recover any damages caused from such complaints