



# Fair Use Policy

## Resource Fair Usage Policies

It is acknowledged that any single account is entitled to utilise the server resources, within reason, up to what is allotted or by what is physically available. If resources become scarce, VpsCity reserves the right to limit users of the affected machine to a lower limit to preserve the effectiveness of the service for all users. If a particular user is in extreme excess of what the average users of the machine have in use (actually used) of their resource allotments, that customer may be asked to remove content, cut resource usage, or relocate to a dedicated/vps server. This policy only applies to web sites that are considered to be abusive in service, disk space or resource consumption and where it is evident that the fair-use of resources among customers has been breached, particularly in regards to disk space, bandwidth or CPU processing power utilisation. Web sites that are found to contain either/or no html documents, a large number of unlinked files are subject to warning, suspension or cancellation at the sole discretion of VpsCity.

If a Fair-Usage breach occurs, whose determination within reason is solely up to VpsCity, a subscriber may have to remove files from or reduce access to the subscribers account to an extent as determined by VpsCity, in order to restore full serviceability to other subscribers affected by the breach. In any case, the subscriber will be notified of any actions that VpsCity may have to take.

In order to ensure a consistent and quality experience for all Subscribers, VpsCity does place automated safeguards to protect against any one site growing too quickly and adversely impacting the system until VpsCity can evaluate said sites resource needs. VpsCity reserves the right to limit processor time, bandwidth, or processes in cases where it is necessary to prevent negatively impacting other Subscribers.

## Bandwidth Fair Usage Policies

VpsCity provides unmetered data on VPS, Cloud Servers, Shared/Reseller Hosting, Colocation and Dedicated Server packages which offer generous fair use data transfer. Data transfer covers bandwidth usage Nationally (New Zealand) per month unless otherwise stated as is the case with our Colocation and Dedicated Server plans where this bandwidth policy extends to International data. This bandwidth for Colocation and Dedicated Server plans provides customers with up to 500GB of International data transfer per month as they wish to use without any additional charge.

Customers may use this data for any purpose other than those unacceptable as stated in our Acceptable Use Policy. Customers will receive a notice warning upon reaching 80% of their International allowance. Usage beyond this limit will incur a charge of \$2.00 NZD per 1GB of International data transferred (pro-rated to usage). Your server will be limited to 128kb/s for both National and International traffic. Please contact our Support Desk should you wish to purchase an additional data pack.

Should VpsCity deem a customers account as exceeding fair use bandwidth consumption which causes interference with other users, VpsCity will notify the customer and allow the customer to remedy the problem. However, should a customers bandwidth usage be significantly greater than fair use, VpsCity

reserves the right to suspend or throttle the customers account where appropriate.

## **General**

VpsCity will not be responsible for any damages your business may suffer. VpsCity makes no warranties of any kind, expressed or implied for services we provide. VpsCity disclaims any warranty or merchantability or fitness for a particular purpose. This includes loss of data resulting from delays, no deliveries, wrong delivery, and any and all service interruptions caused by VpsCity and its employees.

If, in our reasonable opinion, you have breached this FUP, we will contact you by email to let you know that your usage is excessive and is affecting VpsCity services/systems and/or other users. We reserve the right to impose reasonable limits to reduce your usage and/or pair you with other users utilising the same or nearly the same amount of usage.

VpsCity have the right to change any term from time to time without prior notice.