

Fair Use Policy

Vistagate internet traffic management and fair use policy.

Fair Use Policy (“FUP”)

This FUP applies to all Vistagate customers (“Customers”), as well as individuals (“End Users”) who use the relevant internet services (“Services”).

Your use of the Services is subject to this FUP. Vistagate may take action in the manner described below where we become aware that you have breached this Fair Use Policy by engaging in Improper Use or Excessive Use of Services (as those terms are defined below).

The definitions of Improper and Excessive Use below are guidelines only, and are not intended to be a definitive list of the circumstances in which Vistagate may deem your use of the Services to be Improper or Excessive Use.

Meaning of “Improper Use”

“Improper Use” means any use of the Services which is illegal, infringes anyone’s rights (including intellectual property rights), is malicious, obscene, and offensive or otherwise causes detriment to Vistagate and/or our other customers.

Specific activities that will be deemed Improper Use of Vistagate internet services include (and are not limited to):

- illegal downloading (including but not limited to breach of the Copyright Act 1994);
- sending unsolicited electronic messages or “Spam” (including but not limited to breach of the Unsolicited Electronic Messages Act 2007), offensive or objectionable messages or publications, threats, unsolicited bulk email chain letters, pyramid schemes or hoaxes;
- knowingly transmitting and/or distributing any spam, worms or viruses, or otherwise using services in a way which is intended to (or may) damage or compromise the security of our network or anyone else’s network;
- making any kind of deliberate attempt to overload the network or anyone else’s network, including mail bombing, excessive pings or otherwise causing excessive internet traffic.

Meaning of “Excessive Use”

“Excessive Use” means, in relation to unlimited internet plans with no data cap, use of Services which significantly exceeds normal customer usage patterns.

Specific activities that may result in Excessive Use of unlimited internet plans include, without limitation;

- mail bombing;
- excessive downloading;
- pings;
- Or any other means of causing excessive internet traffic.

Breach of this Fair Use Policy

If we become aware that you have breached this FUP by engaging in Improper Use or Excessive Use, we may contact you and request that you refrain from engaging in further Improper and/or Excessive Use. Any customer that becomes aware of a breach of this policy by an end user must promptly contact and advise Vistagate.

If you continue to engage in Improper Use or Excessive Use after we have requested you to refrain from doing so, we may, without notice (at our discretion and or in accordance with our legal obligations) suspend, modify or restrict your use of Vistagate services, co-operate with and notify relevant authorities, or terminate your account.

Traffic Management Policy

On “unlimited” plans there are no data caps and no excess data charges (subject to our Fair Use Policy above). This means that customers on “unlimited” broadband plans can download unlimited amounts of data, but it also can mean some congestion, typically between the hours of 3pm to 11pm, but sometimes at other times as well.

We manage the congestion by occasionally managing the traffic for users on all “unlimited” plans during this time, and at other times when our system shows that there is congestion.

With Vistagate “Ultra 40” and “Ultra 80” Internet plans, after you have used the data volume that you have signed up for the internet service will cease. You will then be prompted to purchase another plan to continue using the service. We sometimes manage traffic during times of congestion on these plans but this is less common than on “unlimited” plans.

Want to know more?

If you are on an “unlimited” plan, Vistagate does not apply a cap on the amount of data you can use (subject to our Fair Use Policy above), and speed is not reduced just because you have downloaded a specific amount of data. This makes “unlimited” plans popular with people who download a lot of data, but from time to time it can result in congestion when a lot of users are using a lot of data all at the same time. For this reason, we manage traffic on “unlimited” plans in an attempt to optimise the experience for all users on the network to the greatest extent we can.

At times when there is congestion, and we are managing traffic in this way, which is typically between the hours of 3pm to 11pm, there may be some users that experience reduced speeds.

If you are seeing a reduction in speed or performance that you are not satisfied with, then please call our helpdesk on 0800 VISTAGATE.

It is important to remember that your broadband speed may be affected by many factors other than our traffic management system and network congestion. Some of these are:

- The quality of the copper wiring and connections inside your property.
- Your computer performance including memory and disk space available.
- If you’re using a wireless internet connection, speed will vary based on the device you’re using and wireless signal strength.
- How busy the website or service you are using is.