

Terms & Conditions

Email Marketing (email gateway), a product from *GraphicMail™* (Global SMIHOST as reseller in Malaysia) , is a web based software application that offers businesses and web site operators a software application for HTML design, email list management and statistical analysis tools.

It cannot be used for does not allow unsolicited commercial emails (UCE). For more detail on UCE please see our [Anti-Spam Policy](#) . By ticking the check box at the end of order form stating 'Acceptance of terms and conditions' you are agreeing to these terms and conditions.

Anti-Spam Policy

GraphicMail does not tolerate spam. We will terminate our client's accounts, if we become aware that they are spamming. If you suspect that any of our client's is spamming, please contact us at abuse@graphicmail.com.

ISPs and Blacklist administrators can also contact us at abuse@graphicmail.com. If you do receive unsolicited email from a GraphicMail client, please click the unsubscribe link in the footer of the email, or [click this link to copy paste us the headers or content of the email](#).

The Policy

In addition to agreeing with our [Terms and Conditions](#), allowable use of GraphicMail includes the sending of recipient solicited graphical newsletters, brochures, promotions, invitations, press releases, product launches and other email campaigns that keep registered customers or members informed.

GraphicMail does not allow Unsolicited Commercial Email (UCE) or Unsolicited Bulk Email (UBE - also known as spam). If the recipient has not verifiably granted deliberate permission to receive the email, it will be classified as UCE or UBE. Verifiably granted deliberate permission is (1) written or email proof that the recipient has asked to receive the mailing; (2) electronic proof such as a time/date stamp and originating IP address demonstrating that the recipient did agree to receive such email.

So to clarify, this means you can send to anyone who has opted in to your list via your website, offline or via a co-registration site. You can send on behalf of your customers, if their list are opted in via their website, offline or via a co-registration site.

And to clarify, what is NOT allowed:

emails harvested from websites
lists purchased from a 3rd party
rented list from a 3rd party
lists that belong to another organization (like a chamber of commerce or a club)
any unsolicited list even if it is a press release to reporters, prospective customers, prospective voters or potential employers or anyone who has not given you permission to send to them.
Sending emails to discussion groups

Policy enforcement - what we do to eliminate spam

GraphicMail reserves the right to monitor all imported lists. This monitoring may include an audit of a client's lists where we at a minimum will request: list source, list age, list collection and confirmation policies.

GraphicMail, users must explicitly certify that their lists consist of 100% certifiable opt-in email addresses. Inability to supply such proof upon request, will result in account termination.

GraphicMail monitor the content of client's emails and flags messages that have content commonly used in unsolicited emails. A match on a send may result in a send being held in queue, until support is able to contact the sender.

GraphicMail maintains IP address and date subscribed for every new subscriber that come through subscription processes we manage.

An unsubscribe and abuse link is annexed by GraphicMail to the footer of every outgoing email. Any efforts to disable this link will result in an immediate suspension of the account.

If a client is found to be using GraphicMail to send Unsolicited Email, we reserve the right to immediately terminate the client's account without recourse to refund.

We invite the greater Internet community to provide us with feedback about our client's use of GraphicMail by contacting us at abuse@graphicmail.com

Complaints Procedure

If we suspect that your account has been used for sending spam or unsolicited bulk emails, your account's sending privileges will be temporarily suspended. To determine whether or not you have sent spam, we will:

Review the content of the email in question

Review your list for patterns common to harvested lists

Review the complaint

Review the optin proof for the email address in question

If we determine, that you did indeed spam, then your account will be suspended

without recourse to refund.

If we determine, that the complaint was a false-positive (someone who subscribed, but has forgotten that they have subscribed), then we will liaise with both you and the complainant for proper resolution. Upon proper resolution, sending privileges on your account will be reinstated.