

# ESCRO ACCEPTABLE USE POLICY

By accessing or using our payment processing services (“Payment Processing Services”) under the Escro Merchant Agreement, you agree to be bound by this Acceptable Use Policy (“AUP”) and any additional terms, conditions, rules or policies that are provided to you in connection with the Services. This AUP is subject to change without notice.

By applying for or using ACH (electronic bank payment), and other payment processing services (collectively, “Services”) under the Escro Merchant Agreement, you agree to be bound by this Acceptable Use Policy (“AUP”) and any additional terms, conditions, rules, or policies that are provided to you in connection with the Services. We reserve the right to change this AUP at any time and the changes will be effective when posted through the Services, on our website for the Services, the Customer Service Portal, or when we notify you by other means. Your continued use of the Services indicates your acceptance and agreement to the AUP changes.

**1. Purpose.** The purpose of this AUP is to (i) comply with relevant laws, sponsor bank requirements, and card or payment association (e.g. VISA, MasterCard, American Express, NACHA) rules and policies, (ii) to specify to you what merchants, activities/business types and transactions are considered prohibited use of the Services, (iii) to protect the integrity of our payment network, and (iv) to specify the consequences that may flow from violating these AUP requirements.

**2. Prohibited Merchants.** In addition to the eligibility requirements of Section 2 of the Escro Merchant Agreement, if any of the following apply to you, you are ineligible (or may become ineligible) to use our Services:

- Your use of Services may cause us not to be compliant with relevant laws, sponsor bank requirements, and card or payment association (e.g. VISA, MasterCard, American Express, NACHA) rules and policies;
- You transact in currency other than U.S. currency; or

- You are operating in a jurisdiction or identified as a sponsor of international terrorism, listed on any relevant sanctions list including but not limited to the U.S. Department of State's Terrorist Exclusion List, Office of Foreign Assets Control's Specially Designated Nationals and Blocked Persons List, or any list produced by the U.S. Department of Treasury.

**3. Prohibited Activities and Business Types.** If you fall into one of the following categories and/or accept payment for the following prohibited activities, you are ineligible (or may become ineligible) to use our Services. For clarity, the following list is not exhaustive and we may, at our sole discretion, modify it without notice:

<b>Prohibited Business Type</b>	<b>Description</b>
Adult Services	Lingerie or passion parties; adult DVD rentals/sales; adult novelties; massage parlors (without licensed massage therapists); escort services; adult digital content; mail order bride services; dating/match-making services
Aggregated Merchant Accounts / Money Service Business	Payment facilitators; e-wallets; crowdfunding products; money transmission services
Auctions / Consignment	Online penny auctions; bid-to-bid; auction services; online consignment shops
Bankruptcy Services	Bankruptcy attorneys; collection attorneys; factoring companies; liquidation services
Check Cashing / Guarantee	Check cashing services; check guarantee services
Credit Repair / Counseling Credit / Identity Protection	Credit repair services; credit counseling or credit repair services; credit protection or identity theft protection
Debt Collection	Collection agencies and any business engaged in the collection of debt; factoring companies; third-party medical billing
Diplomatic Mission	Permanent or semi-permanent diplomatic missions; high commissions; consulates; embassy; and related services including government-issued ID, passport, or diplomas services
Drug Paraphernalia	Equipment or material that is for making, using, or concealing illegal drugs

Financial or other Regulated Products, Services, Securities, and Stored Value	Banks; credit unions; shell banks; saving and loans associations; including services such as the sale of equities, trusts, mutual funds offered through a financial institution, stock brokerage, manual cash disbursements, transfers involving virtual currency, stored value cards, credit services, bearer shares; quasi-cash and payday loans
Hazardous Materials and Pyrotechnic Devices	Automated fuel dispensers; toxic, flammable, and radioactive materials and substances; gunpowder; explosives
Gambling	Casino chips; bookmakers; federal, state, and local lotteries; bingo; internet gambling; off-track betting; racetracks; casinos
Marijuana	Marijuana in any form for sale for any purpose, including medicinal or homeopathic
Multi-Level Marketing / Pyramids	Online payment randomizers; pyramid and Ponzi schemes; wealth creation programs; paid-to-click schemes and other similar programs that are not traditional and legitimate advertising businesses
Occult Services / Goods	Mail order, phone, or online palm readers; psychic services; astrology services
Outbound Telemarketers	Telephone Up-Sellers, including, but are not limited to, discount buying clubs, discount travel clubs, credit card protection/registration and protection services, cosmetics, health-care products and vitamins
Pawn Shop	Stores that offer loans in exchange for personal property as equivalent
Regulated MOTO Businesses	Business that are not conducted face-to-face and are regulated by state and federal authorities, including: mail order, phone, or online ("MOTO") animal/pet sales; MOTO tobacco sales (cigars; flavored, loose, or synthetic tobacco; electronic cigarettes; nicotine; smoking paraphernalia); MOTO firearms and weapons sales; MOTO pharmacies and pharmacy referral sites; MOTO alcohol sales; MOTO fireworks and related goods; and MOTO merchants who offer free trial periods
Travel	Travel packages and offers; travel services, including third-party booking sites for flights and cruises; travel clubs or certificates; timeshares and resellers of timeshares; airlines
Telephone / Telecommunications	Local / long distance services or software; VOIP; pre-paid phone cards; pre-paid phone service

<p>Other High-Risk Business Types</p>	<ol style="list-style-type: none"><li>1. Miracle cures, unsubstantiated remedies, or other items marketed as quick health fixes; designer supplements; nutraceuticals; muscle mass proteins; weight gain or loss supplements; HGH or HCG sales.</li><li>2. Sale of K2, spice, or similar psychoactive herbal and chemical products, including but not limited to JWH-0113 and HU-210.</li><li>3. Sale of bath salts, incense, or potpourri for the purpose of ingestion and as synthetic stimulants with psychoactive effects; sale of Salvia Divinorum, Amyl, Butyl, and Isobutyl Nitrite; sale of psilocybin mushrooms or derivatives including spores.</li><li>4. Sale of email or direct marketing lists enabling unsolicited contacts, such as from telemarketing merchants (inbound or outbound).</li><li>5. Sale of manuals, how-to guides, or equipment to disable, "hack", or modify access controls on software, servers, phones, or websites, including but not limited to mod-chips, drive chips, or access cards.</li><li>6. Sale of devices that are designed to block, jam, or otherwise interfere with cellular and personal communication services, police radar, global positioning systems, and wireless networking services.</li><li>7. Items that encourage or promote hate, violence, or racial intolerance</li><li>8. High risk cyberlockers – a cyberlocker is an Internet hosting service specifically designed to host user files which can contain prohibited content.</li><li>9. Large digital merchants – digital goods merchants (goods delivered via electronic format) with a minimum of 25 million transactions annually.</li></ol>
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**4. Prohibited Transactions.** In addition to the prohibited payment processing practices listed in Section 21 of the Escro Merchant Agreement, You further agree not to use the Services in connection with any of the following prohibited transactions or payment processing practices:

- Processing a transaction for the purpose of adding funds to an account (i.e. account funding transactions or factoring);
- Allowing international customers to pay in their home currency;
- Processing transactions for another business other than the Merchant;
- Processing a transaction for the purchase of scrip or substitute money; and
- Processing a transaction using the Apple Pay option as a non-profit or charitable Merchant or for the purpose of accepting donations of any kind.

**5. Compliance Monitoring; Violations of this Policy.** We will monitor your transactions and activities for potential violations of this AUP. Monitoring includes, but is not limited to, reviewing your accounts for retrievals, returns, or Chargebacks, as well as using third-party information or source. We encourage you to contact us if you believe you may be in violation of this AUP. We reserve the right, per the terms of the Escro Merchant Agreement, to take any corrective action (with or without notice to you) as we deem necessary to mitigate our risk or ensure compliance with this AUP, including but not limited to: (i) blocking a transaction; (ii) holding funds associated with a prohibited transaction; or (iii) suspending, restricting, or terminating your use of the Services and the Merchant Agreement. Said corrective actions might also be subject to applicable fines, assessment, expenses and fees, all as further detailed in the Escro Merchant Agreement.

Last updated June 1, 2019