Australian Competition and Consumer Commission

Subscriber Agreement

Version: 1.01

Date of Publication: 14 May 2020

YOU MUST READ THIS AUSTRALIAN COMPETITION AND CONSUMER COMMISSION (ACCC) CERTIFICATE SUBSCRIBER AGREEMENT (AGREEMENT) BEFORE APPLYING FOR, ACCEPTING, OR USING AN ACCC DIGITAL CERTIFICATE. IF YOU DO NOT AGREE TO THE TERMS OF THIS AGREEMENT, DO NOT APPLY FOR, ACCEPT, OR USE THE CERTIFICATE. BY ACCEPTING OR USING A CERTIFICATE, YOU AGREE TO BECOME A PARTY TO, AND BE BOUND BY, THESE TERMS.

1.   Background

1.1   The ACCC has approved DigiCert (Australia) Pty Ltd (DigiCert) to provide certain Public Key Infrastructure (PKI) services.

1.2   You wish to obtain a Digital Certificate of the type offered by the DigiCert-provided ACCC PKI services.

1.3   The ACCC Certification Services, and the use of the Certificate, are governed by the ACCC Certificate Policy (CP), as amended from time to time, which is incorporated in its entirety into this Agreement. This Agreement contains some important matters dealt with within the CP. For full details of the obligations of the ACCC Certificate Authority, the ACCC Registration Authority, Subscribers, Relying Parties, and all other PKI Entities, please refer to the CP.

1.4   Documents referred to in this Agreement are published in the repository at https://www.cdr.gov.au/, unless otherwise indicated.

2.   Interpretation

2.1   Expressions used in this Agreement have the same meanings as they have under the ACCC Certification Practice Statement (CPS) and the CP.

3.   Obligations

3.1   This Agreement will become effective on the date you accept the terms of this Agreement, at which point you become a Subscriber for the purposes of the CP. "You" shall mean you individually and/or on behalf of your Organisation.

3.2   By accepting this Agreement you:

(a)   request that the ACCC CA issues you with a Certificate identifying you (and, if applicable, your Organisation or Device) in accordance with the CP;

(b)   agree to comply with the terms of the CP, including, without limitation, the following sections:

Section 9.6 (Confidentiality of Business Information)

Section 9.7 (Privacy of Personal Information)

Section 9.8 (Intellectual Property Rights)

Section 9.9.2 (Representation and Warranties – Subscriber Representation)

Section 9.10 (Disclaimer of Warranty)

Section 9.11 (Limitations of Liability)

Section 9.12.2 (Indemnification by Subscribers)

Section 9.15.1 (Dispute Resolution Provisions)

Section 9.15.2 (Governing Law)

Section 9.15.3 (Compliance with Applicable Law)

(c)   if you have applied for and have been issued an ACCC Device or Server Certificate, then the following applies to you: You further agree that, on your instructions (which may be communicated by means of an email digitally-signed with your Private Key), ACCC may: (i) issue Certificates for use by Devices or Servers identifying your Organisation and the nominated application, device, server, process or service; or (ii) revoke Certificates; and perform such other actions as specified in the CP.

4.   Privacy

4.1   ACCC will treat and process the data you provide in your certificate application in accordance with the ACCC Privacy Statement, as amended from time to time and accessible from: https://www.accc.gov.au/publications/accc-aer-privacy-policy . You agree and consent that ACCC may place in your Certificate information that you provide in your application. ACCC may also (i) publish your Certificate, and information contained therein, in the Repository and other third-party sites; and (ii) use such information for the purposes set out in this Agreement and in the ACCC Privacy Statement. For further information on processing of customer data, please see the applicable ACCC Privacy Statement.

SIGNED for and on behalf of [***insert name of company and ABN***] by a duly authorised representative who warrants that they have the authority to sign this Agreement on behalf of [***insert name of company***]

Name of authorised representative (print)	Name of witness (print)

Signature of authorised representative	Signature of witness

Date	Date