

## ABUSE PREVENTION AND MITIGATION IMPLEMENTATION POLICY

**Applicant has committed and will be contractually obligated under the Registry Agreement to provide the following safeguards:**

**1. The registration process will limit abusive registration practices commonly associated with TLDs in which abusive registrants use false contact information to evade identification or legal process:** .cfa will function, per the ICANN-Registry Operator Registry Agreement, as a Specification 9 exempt TLD whereby all domain name registrations in the TLD shall be registered to and maintained by Applicant and Applicant will not sell, distribute or transfer control of domain name registrations to any party that is not an Affiliate of Applicant as defined in the ICANN-Registry Operator Registry Agreement. All domain name registrations intended to be used within Applicant's registry will be registered to and controlled and maintained by Applicant and its verified and authenticated Affiliates and for the benefit of Applicant and its users, parents, sisters and Affiliates. All registrations must be requested through one of Applicant's internal channels and must be verified and approved before registration. The verification process will be in operation on an ongoing basis. The verification process is designed to establish that a prospective registrant meets the registration criteria.

- a. A variety of automated and manual procedures will be utilized for verification, including a cross-check of registration against information held by Applicant.
- b. Eligibility of prospective registrants will be verified prior to the addition of a name to the .cfa zone file, including but not limited to, review of the request for registration by Applicant's compliance staff who will attempt to manually verify the affiliation of the prospective registrant with the Applicant.
- c. Applicant will verify contact/WHOIS data for prospective registrants prior to the addition of a name to the .cfa zone file.
- d. Applicant will maintain verified contact data for the actual registrant as well as for any proxy services utilized by registrant. Proxy services eligible for use are limited to services that have demonstrated responsible and responsive business services.
- e. Prospective registrants must represent and warrant that neither the registration of the desired string, nor the manner in which the registration will be used, infringes the legal rights of third parties.
- f. Prospective registrants will disclose their intended use for the domain. Registration will be refused to those who do not indicate at least one acceptable use of the domain. Acceptable uses of the TLD include, but are not limited to the bona fide use or bona fide intent to use the domain name or any content, software, materials, graphics or other information thereon to permit Internet users to access one or more host computers through the DNS:
  - to exchange goods, services or property of any kind;
  - in the ordinary course of trade or business; or
  - to facilitate the exchange of goods, services, information, or property of any kind, or the ordinary course of trade or business.

**2. Applicant has created a number of mechanisms for those who are not affiliated with the Applicant to protect their intellectual property.**

- a. **Pre-Reservation Service:** Applicant will enable existing holders of a trademark to reserve, free of charge, .cfa registrations that correspond to their existing registrations in other ICANN recognized TLDs. Where the existing holder is not Applicant or an affiliate of Applicant, the registration will be non-resolving.
  - Non-resolving registrations cannot be transformed into resolving registrations, as .cfa will be operated as a Specification 9 exempt system.
  - A “tie-breaker” mechanism will allocate names to trademark holders where more than one reservation for multiple non-resolving strings is received. Trademark holders who receive pre-registration rights will be eligible for long-term deeply discounted registration of the names as non-resolving strings. Fees will be limited to cost recovery.
- b. **Trademark Clearinghouse:** Applicant agrees to implement the process set forth by ICANN. Applicant understands that trademark owners will have an extended period in which they can register their trademarks with the Trademark Clearinghouse. Once registration begins, if a registrant attempts to register a name that has been registered with the Trademark Clearinghouse, the prospective registrant will be notified of the existence of the registration with the Trademark Clearinghouse.
- c. **Dispute Resolution Procedures:** Registered domains will be subject to challenge under ordinary domain dispute procedures set forth by ICANN, including but not limited to, Uniform Domain-Name Dispute-Resolution Policy (UDRP), Uniform Rapid Suspension system (URS), Trademark Post-Delegation Dispute Procedure (PDDRP), and Registration Restriction Dispute Resolution Procedure (RRDRP). Applicant agrees to implement and adhere to any remedies imposed by decision makers under such procedures.

**3. Abusive Registrations:** “Abusive registrations” are not limited to intellectual property claims and abusive use(s) of .cfa domain names will not be tolerated. The nature of such abuses creates security and stability issues for the registry, registrars and registrants, as well as for users of the Internet in general. Applicant defines abusive use as the wrong or excessive use of power, position or ability, and includes, without limitation, the following:

- a. **Illegal or fraudulent actions;**
- b. **Spam:** The use of electronic messaging systems to send unsolicited bulk messages. The term applies to email spam and similar abuses such as instant messaging spam, mobile messaging spam, and the spamming of websites and Internet forums. An example, for purposes of illustration, would be the use of email in denial-of-service attacks;
- c. **Phishing:** The use of counterfeit Web pages that are designed to trick recipients into divulging sensitive data such as usernames, passwords, or financial data;
- d. **Pharming:** The redirecting of unknowing users to fraudulent sites or services, typically through DNS hijacking or poisoning;
- e. **Willful distribution of malware:** The dissemination of software designed to infiltrate or damage a computer system without the owner's informed consent. Examples include, without limitation, computer viruses, worms, keyloggers, and trojan horses;

- f. **Fast-flux hosting:** Use of fast-flux techniques to disguise the location of websites or other Internet services, or to avoid detection and mitigation efforts, or to host illegal activities. Fast-flux techniques use DNS to frequently change the location on the Internet to which the domain name of an Internet host or name server resolves. Fast-flux hosting may be used only with prior permission of Applicant;
- g. **Botnet command and control:** Services run on a domain name that are used to control a collection of compromised computers or "zombies," or to direct denial-of-service attacks (DDoS attacks);
- h. **Distribution of child pornography;** and
- i. **Illegal Access to Other Computers or Networks:** Illegally accessing computers, accounts, or networks belonging to another party, or attempting to penetrate security measures of another individual's system (often known as "hacking"). Also, any activity that might be used as a precursor to an attempted system penetration (e.g., port scan, stealth scan, or other information gathering activity).

Applicant reserves the right to deny, cancel or transfer any registration or transaction, or place any domain name(s) on registry lock, hold or similar status, that it deems necessary, in its discretion; (1) to protect the integrity and stability of the registry; (2) to comply with any applicable laws, government rules or requirements, requests of law enforcement, or any dispute resolution process; (3) to avoid any liability, civil or criminal, on the part of Applicant, as well as its affiliates, subsidiaries, officers, directors, and employees; (4) per the terms of the Registration Agreement; or (5) to correct mistakes made by Applicant or its registrar in connection with a domain name registration.

During review of any complaint, Applicant will consider the standards set forth in the ICANN UDRP, in addition to the following modifications:

- a. Evidence that a domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights can include evidence that the domain name is "...confusingly similar to a trademark, service mark or trade name in which the complainant has rights or the name under which the complainant does business...." This will grant standing to an entity based upon the entity's trade name or name under which it does business.
- b. Evidence that a domain has been registered and is being used in bad faith will require a showing that the domain has been registered and/or is being used in bad faith. This will allow a claim based upon bad faith on the part of the registrant during either registration or use.
- c. Additional indicia of bad faith use will be considered. These indicia will include (1) use of the domain name inconsistent with the Code and (2) use of the domain name in connection with a list of prohibited uses, which will include pornography, hacks/cracks content, etc. The list of prohibited uses will be compiled by Applicant and outside advisors.
- d. Enumerated circumstances for proving a right and legitimate interest will include trade names and names under which business is done where trademarks and service marks currently are noted. A showing of bad faith registration or use, however, will be considered as prima facie evidence of no legitimate interest.

Applicant also reserves the right to place upon registry lock, hold or similar status a domain name during resolution of a dispute.

All reports of abuse should be sent to [abuse@cfa](mailto:abuse@cfa) or another email address publicly identified by Applicant for receiving reports of abuse.

**4. Compliance with Court Orders and Law Enforcement Requests:** Applicant reserves the right, but disclaims any obligation or responsibility, to (a) refuse to post or communicate or remove any submission from any .cfa site that is deemed to be abusive and (b) identify any user to third parties, and/or disclose to third parties any submission or personally identifiable information, when we believe in good faith that such identification or disclosure will either (i) facilitate compliance with laws, including, for example, compliance with a court order or subpoena, or (ii) help to enforce these policies and/or other .cfa rules or regulations, and/or protect the safety or security of any person or property, including any .cfa site. Moreover, we retain all rights to remove Submissions at any time for any reason or no reason whatsoever. Applicant reserves the right to provide information to third parties pursuant to a contractual or legal obligation.

**5. Takedown Procedures:** Applicant will comply with the terms set forth in the Uniform Rapid Suspension (URS) procedure, Trademark Post-Delegation Dispute Procedure (PDDRP), and Registration Restriction Dispute Resolution Procedure (RRDRP). Applicant agrees to implement and adhere to any remedies imposed by decision makers under such procedures. Takedown or Suspension requests provided directly to Applicant must demonstrate the following:

- The complaint must include complainant's name, address, and email or telephone number (preferably both), and any legal counsel actively representing you in the matter, including their contact information.
- The complaint must include specific details concerning the alleged Terms violation, including but not limited to: (i) exact URL(s) where we can see the violation, (ii) for matters where URLs cannot be used (*i.e.*, spam and/or phishing allegations), copies of files used as part of the violation and evidence as to their origins (*i.e.*, emails including full headers), and (iii) any other supporting evidence such as screen shots and/or server log files.
- The terms violation must currently be in active and verifiable use at the time we investigate the matter.
- Applicant will suspend a registered domain on orders from a court or authority in an ICANN-approved dispute resolution procedure. The domain name will be unsuspended in view of an executive proceeding on the matter rejecting the request for suspension or upon a showing that the matter has been resolved in favor of the registrant. Appeals will be handled through the authority issuing the suspension request.