

*gTLD String: .charity*

*Applicant Entity Name: Spring Registry Limited*

*Application ID#: 1-1241-87032*

## **SPECIFICATION 11 PUBLIC INTEREST COMMITMENTS**

1. Registry Operator will use only ICANN accredited registrars that are party to the Registrar Accreditation Agreement approved by the ICANN Board of Directors on 27 June 2013 in registering domain names. A list of such registrars shall be maintained by ICANN on ICANN's website.

2. Registry Operator will operate the registry for the TLD in compliance with all commitments, statements of intent and business plans stated in the following sections of Registry Operator's application to ICANN for the TLD, which commitments, statements of intent and business plans are hereby incorporated by reference into this Agreement. Registry Operator's obligations pursuant to this paragraph shall be enforceable by ICANN and through the Public Interest Commitment Dispute Resolution Process established by ICANN ((posted at [url to be inserted when final procedure is adopted])), which may be revised in immaterial respects by ICANN from time to time, (the "PICDRP"). Registry Operator shall comply with the PICDRP. Registry Operator agrees to implement and adhere to any remedies ICANN imposes (which may include any reasonable remedy, including for the avoidance of doubt, the termination of the Registry Agreement pursuant to Section 4.3(e) of the Registry Agreement) following a determination by any PICDRP panel and to be bound by any such determination.

The Registry Operator appreciates the opportunity to restate and once again commit to the following operational measures, where those matters are within its control, as outlined in our application. We reserve the right to amend or change this PIC Spec once the details of the Program are finalized.

In addition to the ICANN mandated minimum mechanisms, the Registry Operator will deploy the following to prevent and mitigate domain name abuse and aid in rights protection:

**Abuse Prevention and Mitigation plan:** The Registry Operator will be implementing a thorough and extensive Abuse Prevention and Mitigation plan as outlined in our response to Question 28. The APM plan is designed to minimise abusive registrations and other detrimental activities that may negatively impact internet users. This plan includes the establishment of a single abuse point of contact, responsible for addressing matters requiring expedited attention and providing a timely response to abuse complaints concerning all names registered in the gTLD through all Registrars of record, including those involving a reseller.

**Additional Mechanism for Protection of Capital City Names:** The Registry Operator will implement an additional mechanism for protection of Capital City Names as outlined in section 6.1 of our response to Question 28. The Capital City Claim will grant additional protection to the capital city names of a country or territory listed in the ISO 3166-1 standard.

**Additional Mechanisms to Protect and Reserve IGO Names:** The Registry Operator will implement Additional Mechanisms to Protect and Reserve IGO Names as outlined in section 6.2 of our response to Question 28. The Registry Operator considers the Protection of Intergovernmental Organization ("IGO") names to be very important. The Registry Operator will use strings registered as second level domains in the .int gTLD as the basis for this protection but the Registry Operator has committed to working with the GAC to protect a future list of IGO names which the GAC may prepare.

**Additional Mechanism - Abuse Prevention and Mitigation Seal:** The applicant intends to further augment the security and stability of its gTLD by implementing the Abuse Prevention and Mitigation Seal (the "APM Seal") as outlined in section 6.3 of our response to Question 28. The APM Seal will provide users and stakeholders in the sector with a one-click mechanism for how to access relevant Abuse

Prevention and Mitigation processes and will include an ip address geo-location mechanism that will provide enhanced features for website visitors from specific geographic regions. Registrants on the gTLD will be required to implement an APM Seal on their web pages that users can click-on and be taken to a web resource detailing the relevant mechanisms for how to report and address abuse on the gTLD.

**Acceptable Use Policy:** The Registry Operator will develop an Acceptable Use Policy as described in section 14 of our response to Question 28. This Acceptable Use Policy gives the Registry the ability to quickly lock, cancel, transfer or take ownership of any domain name, either temporarily or permanently, if the domain name is being used in a manner that appears to threaten the stability, integrity or security of the Registry, or any of its Registrar partners and/or that may put the safety and security of any Registrant or user at risk. The process also allows the Registry to take preventive measures to avoid any such criminal or security threats.

**Right Protection Mechanisms:** The Registry Operator is firmly committed to the protection of Intellectual Property rights and to implementing the mandatory RPMs contained in the Registry Operator Guidebook and detailed in Specification 7 of the Registry Agreement. Use of domain names that infringe upon the legal rights of others in the gTLD will not be tolerated and preventing abusive registrations is a core objective of the Registry Operator.

**WHOIS Accuracy:** The Registry Operator will undertake efforts to promote WHOIS Accuracy as outlined in section 5 of our response to Question 29. This will include searchable WHOIS and Audits.

The Registry Operator is committed to ensuring that those domain names associated with abuse or malicious conduct in violation of the AUP are dealt with in a timely and decisive manner. These include taking action against those domain names that are being used to threaten the stability and security of the gTLD, or are part of a real-time investigation by law enforcement. Certain of the above commitments referenced in Question 28 and 29 will require the cooperation of the Registrar channel and the Registry Operator commits to using commercially reasonable efforts to ensure such cooperation.

Our discussions with various governments to resolve early warnings continue and we reserve right to amend or change this PIC Spec once these discussions successfully conclude.

3. Registry Operator agrees to perform following specific public interest commitments, which commitments shall be enforceable by ICANN and through the PICDRP. Registry Operator shall comply with the PICDRP. Registry Operator agrees to implement and adhere to any remedies ICANN imposes (which may include any reasonable remedy, including for the avoidance of doubt, the termination of the Registry Agreement pursuant to Section 4.3(e) of the Registry Agreement) following a determination by any PICDRP panel and to be bound by any such determination.

a. Registry Operator will include a provision in its Registry-Registrar Agreement that requires Registrars to include in their Registration Agreements a provision prohibiting Registered Name Holders from distributing malware, abusively operating botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law, and providing (consistent with applicable law and any related procedures) consequences for such activities including suspension of the domain name.

b. Registry Operator will periodically conduct a technical analysis to assess whether domains in the TLD are being used to perpetrate security threats, such as pharming, phishing, malware, and botnets.

Registry Operator will maintain statistical reports on the number of security threats identified and the actions taken as a result of the periodic security checks. Registry Operator will maintain these reports for the term of the Agreement unless a shorter period is required by law or approved by ICANN, and will provide them to ICANN upon request.

c. Registry Operator will operate the TLD in a transparent manner consistent with general principles of openness and non-discrimination by establishing, publishing and adhering to clear registration policies.

d. Registry Operator of a “Generic String” TLD may not impose eligibility criteria for registering names in the TLD that limit registrations exclusively to a single person or entity and/or that person’s or entity’s “Affiliates” (as defined in Section 2.9(c) of the Registry Agreement). “Generic String” means a string consisting of a word or term that denominates or describes a general class of goods, services, groups, organizations or things, as opposed to distinguishing a specific brand of goods, services, groups, organizations or things from those of others.

Further, Registry Operator commits to establishing and enforcing registration eligibility policies, and to implementing the APM seal on a geo location basis to enable enforcement, with respect to the .CHARITY TLD as follows:

### **Eligibility Policy**

Only incorporated entities, unincorporated associations or entities, foundations or trusts which can establish that they are a charity or “not for profit” enterprise with charitable purposes will qualify to be a registrant of a .CHARITY domain name.

As part of the registration process for the .CHARITY TLD, potential applicants must provide the registrar with the following evidence and criteria, which will be applied to determine eligibility:

- Registration as a charity or equivalent with a governmental body (other than a tax authority) or an organisation authorised by a governmental body to maintain such registrations; or
- If exempt from registration requirements on the grounds of size, evidence acceptable to the Registry that it would be required to be registered as per the above but for such exemption; or
- Registration with a tax authority, as a charity or not for profit organisation **combined with** evidence acceptable to the Registry of activities restricted to “charitable purposes for the public benefit” as set out in Charities Act 2011 (or any replacement legislation) of the United Kingdom or broadly equivalent activities which are considered charitable and hence eligible for tax advantages in its jurisdiction of domicile or incorporation; or
- Evidence acceptable to the Registry that the organisation is not for profit in that the organisation cannot make distributions to members **combined with** evidence acceptable to the Registry of activities restricted to “charitable purposes for the public benefit” as set out in Charities Act 2011 (or any replacement legislation) of the United Kingdom or broadly equivalent activities which are considered charitable in its jurisdiction of domicile or incorporation.

- “Evidence acceptable to the Registry” would include (but is not limited to) organisational documents, statutory restrictions, binding agreements, binding resolutions or commitments enforceable by third parties.

If at any time during the term of registration of a Registered Name a registrant shall no longer meet the requirements of the Eligibility Policy, then, in addition to any other rights of the Registry existing under the RRA between the Registry and any applicable registrar or otherwise, the Registry reserves the right to deny or cancel the registration, renewal, or transfer of any Registered Name, or to place any Registered Name on registry lock, hold, or similar status, with respect to any such Registered Name that the Registry, upon reasonable belief formed after reasonable investigation, deems to be registered to a registrant that is not in compliance with the Eligibility Policy.

### **Enforcement and the APM Seal**

The .CHARITY TLD will benefit from the implementation of the APM seal as described in the application. This will facilitate reporting of breaches of and enforcement of the Eligibility Policy, a breach of which will also be reportable and actionable by the Registry in the same manner as a breach of the Acceptable Use Policy. We hereby clarify that the technical implementation of the APM Seal program as described in the application includes the following functionality:

- 1) Countries may designate, through participation in the Governance Council, which APM Seal TLD Registries they are interested in and participate in the program directly with the registry. Each country will have the opportunity to develop an information page specific to each TLD they are interested in.
- 2) Using geo location ip address technology, when a visitor from a country who is participating in the APM Seal Program visits a website in the APM Seal TLD program, a notice will be displayed to the visitor. By clicking on the Seal, users will then be taken to the country specific information page developed by each country for their citizens.
- 3) The Advanced APM seal will only be displayed to visitors from countries which have chosen to participate in the Advanced APM Seal program.
- 4) As these TLDs mature and to allow for updated regulatory or legislative developments, Country Specific Advanced APM Seal information pages can be updated as necessary.