

SPECIFICATION 11 (.GMBH)

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. (Intentionally omitted. Registry Operator has not included commitments, statements of intent or business plans provided for in its application to ICANN for the TLD.)
3. Registry Operator agrees to perform the following specific public interest commitments, which commitments shall be enforceable by ICANN and through the Public Interest Commitment Dispute Resolution Process established by ICANN (posted at <http://www.icann.org/en/resources/registries/picdrp>), 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 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.
- e. Registry Operators will include a provision in their Registry-Registrar Agreements that requires registrars to include in their Registration Agreements a provision requiring registrants to comply with all applicable laws, including those that relate to privacy, data collection, consumer protection (including in relation to misleading and deceptive conduct), fair lending, debt collection, organic farming, disclosure of data, and financial disclosures.
- f. Registry Operators will include a provision in their Registry-Registrar Agreements that requires registrars at the time of registration to notify registrants of the requirement to comply with all applicable laws.
- g. Registry Operators will include a provision in their Registry-Registrar Agreements that requires registrars to include in their Registration Agreements a provision requiring that registrants who collect and maintain sensitive health and financial data implement reasonable and appropriate security measures commensurate with the offering of those services, as defined by applicable law.
- h. Registry Operators will proactively create a clear pathway for the creation of a working relationship with the relevant regulatory or industry self-regulatory bodies by publicizing a point of contact and inviting such bodies to establish a channel of communication, including for the purpose of facilitating the development of a strategy to mitigate the risks of fraudulent and other illegal activities.
- i. Registry Operators will include a provision in their Registry-Registrar Agreements that requires registrars to include in their Registration Agreements a provision requiring registrants to provide administrative contact information, which must be kept up-to-date, for the notification of complaints or reports of registration abuse, as well as the contact details of the relevant regulatory, or industry self-regulatory, bodies in their main place of business.
- j. Registry Operators will include a provision in their Registry-Registrar

Agreements that requires registrars to include in their Registration Agreements a provision requiring a representation that the registrant possesses any necessary authorizations, charters, licenses and/or other related credentials for participation in the sector associated with the TLD.

- k. If a Registry Operator receives a complaint expressing doubt with regard to the authenticity of licenses or credentials, Registry Operators should consult with relevant national supervisory authorities, or their equivalents regarding the authenticity.
 - l. Registry Operators will include a provision in their Registry-Registrar Agreements that requires registrars to include in their Registration Agreements a provision requiring registrants to report any material changes to the validity of the registrants' authorizations, charters, licenses and/or other related credentials for participation in the sector associated with the TLD in order to ensure they continue to conform to appropriate regulations and licensing requirements and generally conduct their activities in the interests of the consumers they serve
4. Registry Operator agrees to perform the 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 Agreement) following a determination by any PICDRP panel and to be bound by any such determination. Nothing in Section 4 of this Specification shall limit any obligations of Registry Operator under Sections 1, 2 and 3 of this Specification. In the event Section 4 of this Specification conflicts with the requirements of any other provision of the Registry Agreement (including any Section of this Specification), such other provision shall govern.
- a. **Eligibility / Validation** - Eligible registrants in the TLD will be limited to those entities designated, or pending designation, as a GmbH (Gesellschaft mit beschränkter Haftung) limited liability entity whose existence can be validated with the respective public authorities in Austria, Germany, Liechtenstein or Switzerland. Registry Operator will include a provision in their Registry-Registrar Agreements that requires registrars to include in their Registration Agreements a provision requiring a representation that the registrant possesses the necessary registration and designation under applicable law for registration in the TLD.
 - b. **Geographic name protection** - Pursuant to Specification 5 of this Registry Agreement, Registry Operator will transmit to registrars the list of geographic names prohibited from second level registration. Registry

Operator will periodically review this list to ensure it is identical to that maintained by ICANN. Should Registry Operator seek to release these reserved names, it will consult with ICANN's Governmental Advisory Committee and obtain any permissions necessary from ICANN for such release.

c. **Rights Protection Mechanisms and Abuse Mitigation** - Registry Operator commits to implementing and performing the following protections for the TLD:

- i. In order to help registrars and registrants identify inaccurate data in the Whois database, Registry Operator will audit Whois data for accuracy on a statistically significant basis (this commitment will be considered satisfied by virtue of and for so long as ICANN conducts such audits).
- ii. Work with registrars and registrants to remediate inaccurate Whois data to help ensure a more accurate Whois database. Registry Operator reserves the right to cancel a domain name registration on the basis of inaccurate data, if necessary.
- iii. Establish and maintain a Domains Protected Marks List (DPML), a trademark protection service that allows rights holders to reserve registration of exact match trademark terms and terms that contain their trademarks across all gTLDs administered by Registry Operator under certain terms and conditions.
- iv. At no cost to trademark holders, establish and maintain a Claims Plus service, which is a notice protection mechanism that begins at the end of ICANN's mandated Trademark Claims period.
- v. Bind registrants to terms of use that define and prohibit illegal or abusive activity.
- vi. Limit the use of proxy and privacy registration services in cases of malfeasance.
- vii. Consistent with the terms of this Registry Agreement, reserve the right to exclude from distribution any registrars with a history of non-compliance with the terms of the Registrar Accreditation Agreement.

- viii. Registry Operator will be properly resourced to perform these protections.
- ix. Supplement the periodic audit of Whois data by more extensively reviewing and verifying data accuracy, and work to remediate inaccuracies (this commitment will be considered satisfied by virtue of and for so long as ICANN conducts such audits).
- x. Regularly monitor registered domain names for pharming, phishing, spam, botnets, copyright infringement, and other forms of abuse, and work to remediate any such activity. Registry Operator reserves the right to cancel registrations on the basis of abusive behavior, if necessary.
- xi. Require that registrars maintain a continually available point of contact capable of addressing problems involving abusive activity, and that registrars maintain the capability to remediate abuse or cancel a registration promptly, if necessary.

d. Anti-Abuse Policy

- i. Registry Operator's Anti-Abuse Policy will be required under the Registry Registrar Agreement and posted on the Registry Operator's web site.
- ii. Registry Operator will monitor the TLD for abusive behavior and address it as soon as possible if detected.
- iii. Registry Operator reserves the right, at its sole discretion and at any time and without limitation, to deny, suspend, cancel, or transfer any registration or transaction, or place any domain name(s) on registry lock, hold, or similar status as it determines necessary for any of the following reasons:
 - A. to protect the integrity and stability of the registry;
 - B. to comply with any applicable laws, government rules or requirements, requests of law enforcement, or any dispute resolution process;
 - C. to comply with the terms of this Registry Agreement and the Registry Operator's Anti-Abuse Policy;

- D. registrant fails to keep Whois information accurate and up-to-date;
 - E. domain name use violates the Registry Operator's acceptable use policies, or a third party's rights or acceptable use policies, including but not limited to the infringement of any copyright or trademark; or
 - F. as needed during resolution of a dispute.
- iv. Abuse Point of Contact. Registry Operator will provide an abuse point of contact (APOC). This contact will be a role-based e-mail address posted on the Registry Operator's web site in the form such as abuse123@registry.tld. This e-mail address will allow multiple staff members to monitor and address abuse reports. Registry Operator will further provide a convenient web form for complaints.

The public interest commitments set forth in this Section 4 of this Specification (excluding Section 4(a) hereof) shall be subject to review by Registry Operator, and Registry Operator, in its sole discretion and upon written notice to ICANN, may elect to discontinue any of such public interest commitments in the case of a substantial and compelling business need.