

## APPENDIX S

### Part 8

#### **Registry Operator's Commitments: Policy Development and Stakeholder Protection Activities**

1. Registry Operator, together with IFFOR, will develop and promulgate best practices to promote child safety and prevent child pornography.
2. Registry Operator will prohibit child pornography, including practices that appeal to pedophiles or suggest the presence of child pornography on the site.
3. Registry Operator shall require registrants to accurately and clearly label their sites, and any site to which a user entering the registrant's site into a browser is automatically redirected.
4. Registry Operator will require authentication of prospective registrants, and maintain confirmed authentication information on registrants.
5. Registry Operator will adopt and implement WIPO-2 recommendations as applicable.
6. Registry Operator will develop and create mechanisms to enforce registrant compliance with registry policies, including the use of automated tools to proactively monitor registrant compliance with registry policies related to labeling and the prohibition of child pornography.
7. Registry Operator will create mechanisms for user reporting of non compliance with registry policies, including the development, posting, and enforcement of procedures for curing non-compliance and penalties, including cancellation of registration, for failure to cure.
8. Registry Operator will designate a compliance manager to receive and respond to reports of non-compliance, and to administer the procedures for curing non-compliance and penalties, including cancellation of registration, for failure to cure.
9. Registry Operator will designate an Ombuds-person to receive and respond to complaints and/or concerns about Registry Operator, including concerns about enforcement of registry policies and handling of complaints related to registrant non-compliance.
  - a. The ICM ombuds shall be an experienced provider of such services, possessing such training and credentials as are recommended from time to time by the International Ombudsman Association.

- b. The ICM ombuds shall adhere to the Code of Ethics and Standards of Practice promulgated from time to time by the International Ombudsman Association.
10. Registry Operator will publish a modified UDRP applicable to abusive registrations of third party names.
11. Registry Operator shall draw on domain name registry best practices to create or acquire the rights to use an initial Country and Geographic Designators Reserved List, which shall be posted no less than sixty (60) days prior to the TLD's Limited Launch date.
12. Registry Operator shall provide a mechanism whereby, during a specified period of no less than sixty (60) days prior to the TLD's Limited Launch date (as defined in the Start-Up Plan), ICANN's Government Advisory Committee and/or the government of any country or distinct economy participating in the GAC (collectively, "Governments") may identify for (no cost) reservation from registration names that match words of cultural and/or religious significance ("Culturally Significant Names").
13. Registry Operator will provide quarterly written reports for one year, and as reasonably requested thereafter, detailing and demonstrating reasonable progress towards fulfilling policy commitments

### **Engagement and Fostering of Monitoring Agencies:**

1. Registry Operator will enter into monitoring and oversight arrangements with adequately funded and staffed independent associations within 120 days of approval of the Registry Agreement. These monitoring and oversight associations will be responsible for oversight of Registry Operator's compliance with its obligation to prohibit child pornography and require labeling. The appointment (and any replacement) of such monitoring and oversight associations will be subject to the right for ICANN to disapprove a selection, in its reasonable discretion.

### **Delegation of Authority:**

1. Registry Operator will delegate to IFFOR policy formulation with respect to the terms and conditions for registration in the .xxx TLD, including the authority and obligation to:
  - a. Develop a Declaration of Best Business Practices to be included in the registrant agreement
  - b. Foster communication among the community and stakeholders
  - c. Protect the privacy and security of adult consumers

- d. Develop business practices to safeguard children online and combat child pornography
  - e. Seek out and support informed participation in IFFOR that reflects the functional, geographic, and cultural diversity of the community and Internet stakeholders at all levels of policy-development
  - f. Employ open and transparent mechanisms to promote well informed decision making and ensure that those most affected can participate in the policy development process
  - g. Create the policy development structure set forth in the IFFOR organization chart
  - h. Respect the right of parents to select the information accessed by their children, and respect the preferences of those who, for personal, cultural, religious, or other reasons seek to avoid adult material
2. Registry Operator will provide a draft contract between IFFOR and Registry Operator to ICANN within 30 days of approval of the registry agreement, and negotiate in good faith to address any reasonable concern that the contract creates significant compliance issues and/or a material risk that the policy obligations will not be fulfilled. Registry Operator will not commence Limited Launch until concerns have been resolved or an arbitrator has determined that ICANN's concerns are unreasonable.
  3. Any replacement of IFFOR as the sponsor for the TLD must be submitted to ICANN in advance, which replacement ICANN may disapprove based on its reasonable concern that the proposed replacement creates significant compliance issues, raises independence concerns, and/or creates a material risk that the policy obligations will not be fulfilled.
  4. Registry Operator/IFFOR will establish a thirty-day "quick look" opportunity for ICANN to review policies prior to implementation, and negotiate in good faith to resolve any concerns about such policies. Registry Operator/IFFOR shall stay policy implementation pending negotiated resolution or determination under dispute resolution provisions of the registry agreement.

### **Funding Commitment and Independence of IFFOR:**

1. Registry Operator will contribute \$10 per domain name registration per year to support IFFOR, guarantee its operational independence, and support programs approved by the grants committee. Such funding shall be made:
  - a. In advance, on a non-recourse basis, for IFFOR's initial 12 months of operation; and

- b. On an annual basis thereafter, on a schedule that is sufficient to create and support IFFOR's grants-making, community outreach, and policy development activities as described.
2. Registry Operator/IFFOR will establish ethical screens or other mechanisms to ensure IFFOR's independence and to protect it from inappropriate influence.
3. Registry Operator/IFFOR will proactively reach out to governments and international organizations to provide information about IFFOR's activities and solicit input and participation.
4. IFFOR's Board will be constituted in compliance with the geographic diversity included in IFFOR's By-Laws, as provided to ICANN, which By-Laws will be published on a publicly accessible website.

### **Sponsored Community Policy-Development:**

1. Registry Operator/IFFOR will establish policy development procedures and process that include sufficient opportunity for public comment and input from concerned and affected groups.
2. Registry Operator/IFFOR will employ open and transparent policy development mechanisms that (i) promote well-informed decisions based on expert advice, and (ii) ensure that those entities most affected can assist in the policy development process.
3. Registry Operator/IFFOR will impose and enforce best practices obligations including standards to:
  - a. Prohibit misuse of personal information
  - b. Require accurate meta-tagging
  - c. Ensure clear and accurate consumer disclosures
  - d. Protect IP rights
  - e. Prohibit use of malicious codes and technologies (i.e. spoofing)
  - f. Prohibit fraudulent, anonymous, or unsolicited commercial emails
  - g. Prohibit use of malicious redialers, credit card fraud, and/or unauthenticated use of credit cards
4. Registry Operator will:
  - h. Promote the development of business practices to safeguard children online and combat child pornography

- i. Seek and support informed participation reflecting the functional, geographic, and cultural diversity of the responsible online adult entertainment community and the broader Internet stakeholders at all levels of policy development and decision making;
  - j. Promote child safety and fight child pornography through best-practice guidelines and financial support for child safety organizations
  - k. Sponsor technology development and education programs for parents.
5. Registry Operator will promote responsible data protection and information security for online consumers, and identify business processes to protect consumers and prevent identity theft
6. Registry Operator will, through the creation of and designation of IFFOR as the sponsoring authority, enable the sponsored community and other stakeholders to participate in the development, implementation, and enforcement of best practices within the registrant community.
7. Registry Operator will work with the sponsored community and stakeholders to:
- l. Address concerns about deceptive marketing practices
  - m. Limit delivery of products and services only to adults who want them
  - n. Facilitate collaboration among traditionally isolated stakeholders
  - o. Implement innovative approaches to reduce incidence of children exposed to inappropriate online content

**Establishment of Code of Conduct; Best Practices; Global Issues:**

- 1. Registry Operator will promote the development of responsible business practices and conduct within the online adult-entertainment community that shall be incorporated into the registrant agreement of all .xxx domain names via a Declaration of Best Business Practices.
- 2. Registry Operator will foster communication between the responsible online adult-entertainment community and the broader Internet community.
- 3. Registry Operator will (i) promote the principles set forth in the United Nations Declaration of Human Rights related to free expression and (ii) prohibit child pornography as defined in the United Nations Convention on the Rights of the Child ("UNCRC")
- 4. Registry Operator will, in consultation with governments:

- a. Draw on domain name registry best practices to create or acquire the rights to use an initial Country and Geographic Designators Reserved List, which shall be posted no less than sixty (60) days prior to the TLD's Limited Launch date.
  - b. Provide a mechanism whereby, during a specified period of no less than sixty (60) days prior to the TLD's Limited Launch date (as defined in the Start-Up Plan), ICANN's Government Advisory Committee and/or the government of any country or distinct economy participating in the GAC (collectively, "Governments") may identify for reservation from registration names that match words of cultural and/or religious significance ("Culturally Significant Names").
5. Registry Operator will proactively reach out to governments and international organizations to provide information about IFFOR's activities and solicit input and participation, and shall consult regularly with and seek input from governments and/or the GAC, regarding launch planning.