

Valuetainment Corp. (“the Registry”) as the operator of the TLD .VOTING attaches great value to the secure use and usability of the services available under the TLD .VOTING. Abuses of .VOTING domains are a threat to the stability and security of the Registry, registrars, registrants and the security of Internet users generally.

Forms of use regarded as unwanted and illegal are described below and in the .VOTING Rapid Takedown Policy. Registrants will themselves monitor – and if necessary notify third parties – that .VOTING domains are not used illegally and/or improperly at any time in the cases described here and in the other .VOTING policies.

The registrant is responsible for dealing with third parties asserting claims based on illegal and/or improper use of .VOTING domains. However, it cannot be excluded that third parties may approach the registry or relevant registrar to report illegal use of a domain and/or assert claims.

Limitations of the .VOTING Eligibility Policy are expressly not governed by this policy. With respect to violations of the registrant against obligations of aforementioned policy, we refer to its provisions.

The registry or registrar will regularly forward such notification by third parties to the registrant. The measures in (3) will only be taken in exceptional cases.

1. Obligations of the registrant

- a.** As already described in the .VOTING Domain Name Registration Policy, the registrant explicitly warrants that the domain as a whole (i.e. the domain name and the content) does not infringe third party rights or violate general statutes, regulations or .VOTING policies as a whole.
- b.** The registrant is solely responsible for the legality of domain names and the content available under these. On registration of a domain the registrant warrants that he has if necessary had the legality of the chosen domain name reviewed and only published or had published content which is in compliance with prevailing legislation and the .VOTING policies.
- c.** If a registrant tries to register a .VOTING domain with a specific name and is notified as a result by the Trademark Clearinghouse (TMCH) that the desired registration may infringe third party rights, the registrant carries out a detailed review to establish that there is no actual infringement of rights before confirming to the TMCH that the registration does not infringe any third party rights.
- d.** The registrant is obliged to keep contact data transmitted during the registration of the domain always actual and correct. Changes have to be reported to the registrar without delay.

2. Illegal use of .VOTING domains

- a. The abuses listed in the .VOTING Rapid Takedown Policy are also deemed to be illegal use for the purposes of this policy.
- b. Illegal use extends to .VOTING domain names which
 - infringe trademarks, names or other third party mark rights,
 - the registrant does not – despite explicit statements to the contrary – hold corresponding rights in or has acted fraudulently in the course of any validation of trademark rights.
- c. Other instances of illegal use are content and services published under .VOTING domains which
 - violate copyright or fair trade legislation, general personality rights of third parties or other statutory provisions,
 - violate provisions of Swiss criminal law,
 - do not have a proper legal notice, despite the legal requirement for this,
 - do not comply with mandatory legal regulations on the design of webshops for consumers, despite being legally obliged to do so,
- d. If third parties complain of suspected legal violations directly to the registry and/or the registrar or any party involved, the registrar will forward the correspondence to the registrant, preferably by e-mail.
- e. The registrant is obliged to process and respond to the correspondence forwarded by the registry or registrar without delay. The registry or registrar are entitled to set a limited period for the registrant to respond.
- f. In his reply the registrant must clearly notify the registry or registrar if he intends to eliminate the legal violation or if he wishes to defend against the third party claims.
- g. Regardless of the preceding provisions, legal violations are deemed to be settled if the registrant evidences elimination of the legal violations within the set periods.

3. Rights of the registry / registrars

- a. The registry or registrar is not in any way obliged to review or continuously monitor legality of a specific domain or the content and/or services offered under a domain. Regardless of this, the registry or registrar is authorised in the event that they identify such a legal violation to follow the process under (2) or to escalate a case in accordance with the .VOTING Rapid Takedown Policy.
- b. The registrant is warned that any form of illegal use will be interpreted as a violation of the domain contract.
- c. If the specific case makes it necessary the registry or relevant registrar is entitled to execute the procedure in accordance with the provisions of the .VOTING Rapid Takedown Policy.
- d. If the registrant fails to respond to a complaint by the registry or a registrar within the period cited in (2), the registry or the relevant registrar is entitled at their discretion to block translation through the DNS, issues a warning to the registrant for violation of the registration contract and/or terminates the domain contract summarily.

- e. If the registrant fails to respond within a period set under (2), the registrant is further obliged to indemnify the registry from all third party claims based on a violation of the .VOTING policies by the registrant. This indemnification covers all third party claims asserted against the registry and the costs to the registry of legal defence arising out of such claims.
- f. The registry or relevant registrar is entitled to invoice costs in connection with the above proceedings.

4. Resolution of disputes in trademark cases

In the event of a dispute over trademarks or other marks the registry is obliged to implement and comply with the following trademark protection mechanisms. The registry must also implement decisions arising out of resolution proceedings. However, the registrant is always free to apply to the courts if a resolution is not accepted. The registry or registrars do not offer any legal advice with regard to this or the resolution proceedings and cannot assist registrants in this situation.

Registrants registering and using a .VOTING domain through the registry or a registrar are hereby notified that the following guidelines for dispute resolution are an integral part of the .VOTING policies. All registrants are asked to familiarise themselves with the following guidelines and procedures. If at the time of registration of domains there is uncertainty whether these infringe the rights of third parties the registry recommends registrants to consult a lawyer.

On full transmission of the registration order the registrant warrants that he has read and understood the following guidelines and procedures.

a. Uniform Rapid Suspension ("URS")

The rules can be seen at: <http://newgtlds.icann.org/en/applicants/urs/rules-04mar13-en.pdf>

The URS procedure is possible where a domain is identical or confusingly similar to a trademark. Another requirement is that the registrant has no personal right in the domain name involved and the registration was in bad faith.

A complaint under the "URS" is submitted by the complainant to a "URS provider", who then notifies the registry. The registry will apply a registry lock to the domain name involved to prevent further disposition over the domain name.

The registrant is notified of this and can respond within 14 days (extension possible). If such a complaint is upheld, the domain is suspended for the remaining term of the contract, i.e. no further content can be accessed; instead there is merely an automated notice that the domain has been suspended under the URS.

b. Uniform Domain Name Dispute Resolution Policy ("UDRP")

The rules can be seen at:

<http://www.udrp.de/udrp-regelwerke/>

The conditions for UDRP proceedings are similar to those for Uniform Rapid Suspension. However, the goal of this procedure is the actual transfer of a specific domain to the complainant.