

# Which Internet registries offer the best protection for domain owners?

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July 27, 2017

In the Internet's early days, those wishing to register their own domain name had only a few choices of top-level domain to choose from, such as .com, .net, or .org. Today, users, innovators, and companies can get creative and choose from more than a thousand top-level domains, such as .cool, .deals, and .fun. But should they?

It turns out that not every top-level domain is created equal when it comes to protecting the domain holder's rights. Depending on where you register your domain, a rival, troll, or officious regulator who doesn't like what you're doing with it could wrongly take it away, or could unmask your identity as its owner—even if they are from overseas.

To help make it easier to sort the .best top-level domains from the .rest, EFF and Public Knowledge have gotten together to provide this guide to inform you about your choices. There's no one best choice, since not every domain faces the same challenges. But with the right information in hand, you'll be able to make the choice that makes sense for you.

Before proceeding it's worth noting the difference between a *registry* and a *registrar*. The domain *registry* is like a wholesaler, who operates an entire top-level domain (TLD) such as .com. Domain names ending in that TLD are then offered to end-user domain registrants by one of many *registrars*. The registry sets the mandatory policies for all of the registrars who resell its domains, but the registrar may also have its own policies. Because there are so many registrars, this document focuses on the policies of registries.

## The main choices

Although there are many domains for you to choose from, they break down into the following major choices:

- The original gTLDs. Sixteen of the generic top-level domains (gTLDs) that were established up until 2013, including the most popular domains of .com, .net, and .org, come subject to a trademark enforcement process called the Uniform Domain-Name Dispute-Resolution Policy (UDRP). This process, imposed by the global domain name authority, ICANN, is administered by private arbitrators and applies to all registries and registrars of the original gTLDs. ICANN also requires domain registries to maintain a public database called WHOIS to store information about the registered owners of domains.
- The new gTLDS. Beginning in 2013, ICANN created over 1,200 new gTLDs, including .club, .online, and .shop. Besides having the same UDRP and WHOIS policies, these new gTLDs come with extended enforcement measures imposed by ICANN that the original set of domains don't, which are also applicable to all registries and registrars. But some new gTLD registries even go above and beyond these. For example, as explained below, domain registries Donuts and Radix have established a "trusted notifier" program with the Motion Picture Association of America (MPAA) that gives it special privileges to initiate domain takedowns over alleged copyright infringements.
- Country-code TLDs. Every country in the world has its own top-level domain identified by a two-letter code. For example .fr for France, .au for Australia, and .bi for Burundi. Some of these so-called ccTLDs have been repurposed as pseudo-generic domains, losing their association with a particular country. An example is .ly, which is really the country code for Libya, but it is marketed as a generic domain. Each country-code registry is independent of ICANN, and can set its own policies for the resolution of trademark and copyright disputes, and access to registrant data. Some of these policies are better for users' freedom than the ICANN-controlled domains, and others are worse.
- The .onion domain. Users of the Tor browser have access to another special domain that other Internet users don't: it's the .onion domain. Any website that ends in .onion enjoys the benefit of being anonymous and untraceable (if it chooses to be). That means that a .onion domain offers you the ultimate in protection from takedowns and snooping, because there is no registry or registrar who can take such a domain down—the domain name resolution function is actually built into the Tor protocol. The catch? Your website can only be visited by other Tor users, who are a minority of daily users of the web.

## Recommendations

#### Recommendations for security against trademark bullies

As mentioned above, the new gTLDs contain additional protections for brand owners that most of the original gTLDs don't. To begin with, brand owners have access to an accelerated version of the UDRP, called the Uniform Rapid Suspension System (URS). The URS provides a lower cost and quicker mechanism for a domain to be suspended if a trademark owner is able to provide an arbitrator with "clear and convincing evidence" that the domain owner is abusing its mark. Although the URS has not proved as popular as the UDRP with brand owners, its availability does pose an additional risk to domain name registrants.

In addition, the new gTLDs provide brand owners who register their marks in a <u>Trademark</u> <u>Clearinghouse</u> with two new mechanisms to claim priority ownership of domains. "Sunrise protection" prevents any other party from registering a domain that matches the brand owner's claim for a short period after a new domain first becomes available. The Trademark Claims service period follows the Sunrise period, and warns prospective domain name registrants that a domain they are seeking to register may infringe a brand owner's rights.

Unfortunately, the Trademark Clearinghouse admits many questionable entries into its database, with the result that legitimate domain registrants are prevented from registering domains during the sunrise period, or are needlessly frightened away from doing so during the subsequent Claims period. Because the contents of the Trademark Clearinghouse is kept secret, we do not know about all of the brands that have been spuriously registered there, but they are known to include generic words such as smart, hotel, one, love, cloud, london, luxury, <u>and even "the"</u>.

The Trademark Clearinghouse operator admits marks into its database that are registered anywhere in the world, no matter how low a particular country's registration standards may be, and it has even included marks with a graphical element that can't be represented in a domain name. Worse, no "fair use" determination is made of domains that are blocked from being registered by an entry in the Trademark Clearinghouse, meaning that even if a trademark is being used in a legitimate descriptive context (like "volvo-repairs"), it could still be blocked.

As if this were not enough, some registries have gone above and beyond what ICANN requires by providing *yet more* power to brand owners. The most expansive of these is Donuts' private Domains Name Protected Marks List Plus (DPML Plus) program, under which brand owners are enabled to block third parties from registering domain names that

only partially match their brand, including misspellings, across all of the 200+ new gTLDs that it controls—and this veto right extends beyond the sunrise period for an initial period of ten years, which can be extended.

Depending on your intended use for the domain name, the ability to register a shorter or more relevant name in a new gTLD may still make it your best option, particularly if you are not registering during a Sunrise period. However it would be advisable to document your legitimate interest in the domain name, whether for your own non-infringing goods or services or for legitimate commentary, in case of a future URS or UDRP claim.

For better protection against trademark bullies, you should generally avoid registering your domain in any of the new gTLDs, and be aware that it may be more difficult to successfully register in a Donuts domain. Trademark policies vary between the country code TLDs, which we review below in more detail. As before, the ultimate protection against domain takedowns is provided by the use of a .onion domain, but at the cost of accessibility for the majority of Internet users.

### Recommendations for security against copyright bullies

Unlike for domain names that infringe trademark rights, there is no similar ICANN procedure established for the suspension or cancellation of domains that point to websites or services that are alleged to infringe copyright. However, the registries and registrars of some of the original and new gTLDs have created their own private policies to take down domains based on complaints by copyright owners, while others do the same on an *ad hoc* basis. As justification, they point to a provision of ICANN's 2013 Registrar Accreditation Agreement that requires them to "take reasonable and prompt steps to investigate and respond appropriately to any reports of abuse involving Registered Names".

The most notable private copyright takedown policies are those that apply to the domain name registries Donuts and Radix, and their respective registrars. The U.S.-based Donuts controls almost 200 new top-level domains including .movie, theater, and .company, while Radix, based in the United Arab Emirates, has nine including .tech, .press, and .site. In 2016 both registries announced partnerships with the Motion Picture Association of America (MPAA) to establish a Trusted Notifier Program to ensure that websites using domain names registered with them were not engaged in "pervasive illegal online piracy".

Under these partnerships, the MPAA can request the registries to take action against a domain name by presenting evidence that it has evidence that the domain name is being used for "clear and pervasive copyright infringement," and that it has first attempted to contact the registrar and hosting provider for resolution. There is no assurance that the

registrant even knows her domain name is being challenged. Donuts and Radix in turn commit to respond to MPAA's request within 10 days of the complaint, absent exceptional circumstances, and may put the infringing site on hold or suspend it if they accept the MPAA's evidence.

In effect, MPAA becomes a private domain policeman, and Donuts and Radix enforcers. We have concerns however that the MPAA is far from an impartial investigator. In the context of the removal of content under the U.S. Digital Millennium Copyright Act (DMCA), takedown requests issued by members of the MPAA have frequently been inaccurate, resulting in the removal of lawful expression from the Internet. Because these special arrangements put a trade association representing the interests of six major movie studios in a privileged position, and because the arrangements lack sufficient due process protections for registrants, chances are high that similar mistakes may be made under its partnerships with Donuts and Radix.

For protection against copyright bullies, you should consider choosing a domain name operated by a registry that doesn't have, and isn't considering adopting, a streamlined policy to takedown domain names alleged to be associated with copyright infringement. This means avoiding the domains operated by Donuts and Radix. You could also look at the country-code domains for which we provide details below, and if it isn't necessary for your domain name to be easily accessible to a broad general public, you might also consider using a .onion domain name.

# Recommendations for security against overseas speech regulators

Whether it's U.S. based big pharma, European hate speech regulators, or corrupt and repressive governments, some domains allow content that's legal in one part of the world to be taken offline on the basis of laws from another part of the world, at the request of a regulator or sometimes even just a third-party complainant.

As indicated above, ICANN's 2013 <u>Registrar Accreditation Agreement</u> requires domain registrars to "take reasonable and prompt steps to investigate and respond appropriately to any reports of abuse", which is defined to include "conduct involving use of a Registered Name sponsored by Registrar that is prohibited by applicable law". While it's not clear what counts as "conduct involving use of a Registered Name," some ICANN participants seek to define this term broadly, in a manner that would cover nearly any use of the Internet. Because the Agreement does not specify exactly what steps should be taken in response to abuse, some registries and their registrars have interpreted it as allowing or even requiring a domain to be suspended without a court order, while others have determined that a court order ought to be required.

The <u>Manila Principles on Intermediary Liability</u> (which EFF, Public Knowledge, and a host of other organizations developed and endorsed in 2015), establish as a baseline proposition that content must not be required to be restricted by an Internet intermediary without an order from a judicial authority. That applies to domain name intermediaries just as much as it applies to social networks such as Twitter, messaging services such as WhatsApp, or search engines such as Google.

As expressed in the Manila Principles, domain registries should not honor demands to suspend or transfer domain names, nor pressure registries to do so, without a valid order, obtained with due process from a competent court. Registrars should not adopt any policy that would require them to take down domains on the demand of any lesser authority.

Despite the vast differences between laws regulating Internet content in different countries, some registries are also implementing domain takedown policies relating to areas beyond trademark and copyright. A notable example is the use of domain suspension to enforce laws on pharmaceutical sales. The Domain Name Association has recommended such a policy as part of a set of <u>Registry Healthy Practices</u> put forward as industry guidelines.

The DNA suggested policy unwisely hands the power to establish the purposes for which domains can be used to representatives of the interests of American "Big Pharma". These representatives operate a very strict rule disallowing overseas sites from mailing pharmaceuticals to Americans, even if those sites are registered in their own countries and comply with applicable health and safety guidelines. As a side-effect, this also censors those sites globally, including in countries where they may be perfectly legal. Besides Donuts, the Domain Name Association's other gTLD registry members include Radix, Afilias, and PIR.

For protection against overseas speech regulators, you should consider whether the country code domain registry based in your own country offers good protection for speech. Details of some of these are given in the table below. You should also look carefully at the policies of the gTLD registries, and consider avoiding those that allow an overseas "trusted notifier" other than a court to initiate a domain takedown process. Once again, an .onion domain offers the best protection, but also the least usability for the average Internet user.

# Recommendations for security against identity theft and marketing

When you register a domain, you are usually required to give up some of your personal information. All of the gTLD domain registries, along with most of the ccTLDs, store this

information in a publicly-accessible database called WHOIS. ICANN is currently reviewing whether this remains an appropriate model, or whether it should be replaced with a new system that would offer access only to authorized users, such as law enforcement authorities, who can demonstrate a legitimate need for access to the registration data.

Some country code registries, who are not bound by ICANN policies, have ceased to publish domain registrant details in a public database. Similarly, some ICANN-accredited registrars have adopted a de facto privacy protection standard that enables you to hide your registration details behind a proxy. For those that don't offer such a service as standard, you can purchase proxy registration services from third parties.

To protect your privacy as a domain registrant, we recommend registering in a countrycode domain that doesn't provide public access to domain registrant data, or registering a domain through a registrar that provides free privacy proxy services. Failing that, you should consider paying for a privacy proxy service, or using a .onion domain, if you are able to operate your website over the less universally-available Tor network.

#### Acknowledgements

EFF legal intern Alexandra Noonan contributed the majority of the research that went into the table. Thanks also to Public Knowledge intern Willmary Escoto, and to Kathy Kleiman from Fletcher, Heald and Hildreth for her review of the draft. The views expressed and any errors that exist in the text are EFF's and Public Knowledge's responsibility alone.

# **Detailed analysis**

This table contains information about the policies of some of the domain registries referred to above, based on the information we have been able to obtain as of July 2017. The information is not intended to be exhaustive, and it may not be free of errors. If you are able to help us add new information to this table, or to correct inaccurate information, please send it to us and we may incorporate it into a future revision of this paper.

| Domains  | Registry        | Based in what<br>country | Removal of<br>domains by<br>court order | Removal of<br>domains by<br>arbitrator order | Removal of<br>domains on<br>trusted notifier<br>request | Removal of<br>domains for<br>breach of ToS   | May list personal<br>data in WHOIS |
|--|-----------------|--------------------------|---|--|---|--|------------------------------------|
| Generic top-level  | domains (gTLDs) |                          |   |  |   |  |                                    |
| .black, .blue,<br>.green, .info,<br>.kim, .lgbt,<br>.lotto, .meet,<br>.mobi, .organic,<br>.pink, .red,<br>.vote, .bet, .pet,<br>.promo, .poker | Afilias         | Ireland                  | Yes                                     | Yes trademark<br>(UDRP, URS)                 | No.   | Possibly. Afilias<br>requires its<br>registrars to forbid<br>trademark or<br>copyright<br>infringement. The<br>policy does not<br>explicitly state that<br>the consequence<br>for violation is<br>termination.<br>However, Afilias<br>also runs a<br>number of gTLDs<br>with additional<br>specific<br>requirements. | Yes.                               |

| Domains   | Registry    | Based in what<br>country      | Removal of<br>domains by<br>court order | Removal of<br>domains by<br>arbitrator order | Removal of<br>domains on<br>trusted notifier<br>request | Removal of<br>domains for<br>breach of ToS   | May list personal<br>data in WHOIS  |
|---|-------------|-------------------------------|---|--|---|--|---|
| See list in Annex<br>below.   | Donuts      | USA                           | Yes                                     | Yes (trademarks)                             | Yes (MPAA)  | Yes  | Yes   |
| .accountant,<br>.download,<br>.loan, .men,<br>.racing, .win,<br>.cricket, .party  | Famous Four | Gibraltar (United<br>Kingdom) | Yes                                     | Yes, trademark<br>(UDRP, URS).               | No  | Possibly. Famous<br>Four has a robust<br>"Acceptable Use<br>and Takedown<br>Policy." It may<br>"bring offending<br>sites into<br>compliance" for<br>"[i]nfringement of<br>intellectual<br>property." The<br>policy reserves the<br>right to place the<br>domain on hold<br>or transfer<br>ownership, but<br>also states that<br>Famous Four<br>does not<br>adjudicate<br>disputes. | Yes. WHOIS<br>policy says that<br>Famous Four will<br>comply with<br>ICANN privacy<br>requirements but<br>does not go into<br>more detail.                        |
| .dev, .app, .boo,<br>.channel, .dad,<br>.day, .eat, .esq, .fly,<br>.foo, .here, .how,<br>.ing, .meme, .mov,<br>.new, .prof, .rsvp | Google      | United States                 | Yes                                     | Yes, trademark<br>(UDRP).                    | No  | No. Terms of<br>service do not<br>mention deletion<br>or suspension for<br>violating internal<br>policies (aside<br>from failure to pay<br>fees or renew<br>registration).   | Up to the<br>registrant. Where<br>Key-Systems<br>GmbH is the<br>registrar, registry<br>will display service<br>provider<br>information and a<br>randomly assigned |

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| Domains                             | Registry                    | Based in what<br>country | Removal of<br>domains by<br>court order | Removal of<br>domains by<br>arbitrator order  | Removal of<br>domains on<br>trusted notifier<br>request | Removal of<br>domains for<br>breach of ToS  | May list personal<br>data in WHOIS   |
|-------------------------------------|-----------------------------|--------------------------|---|---|---|---|--|
|                                     |                             |                          |   |   |   |   | temporary email<br>address. Where<br>Google Domains<br>is the registrar,<br>registrants may<br>opt-in to the<br>"Whois Privacy<br>Service" offered<br>by Contact<br>Privacy Inc. |
| .biz                                | NeuStar                     | United States            | Yes                                     | Yes, trademark<br>(UDRP);<br>Restriction<br>Dispute<br>Resolution Policy<br>(RDRP), under<br>which any<br>interested third<br>party can assert<br>a .biz domain is<br>not being used for<br>a bonafide<br>business. | No  | Possibly.<br>NeuStar's FAQ<br>language suggests<br>that in most cases<br>NeuStar will wait<br>for UDRP/court<br>outcome before<br>suspending/deleti<br>ng domains.<br>However,<br>NeuStar's FAQ<br>language also<br>states that<br>exceptions for<br>cybersquatting are<br>permissible under<br>ICANN's policies. | Yes  |
| .org, .ngo                          | Public Interest<br>Registry | USA                      | Yes                                     | Yes (trademarks)  | No  | Yes   | Yes  |
| .host, .press,<br>.website, .space, | Radix                       | Parent company<br>in UAE | Yes                                     | Yes (trademarks)  | Yes (MPAA)  | Yes   | Yes  |

| Domains   | Registry        | Based in what<br>country | Removal of<br>domains by<br>court order | Removal of<br>domains by<br>arbitrator order | Removal of<br>domains on<br>trusted notifier<br>request   | Removal of<br>domains for<br>breach of ToS   | May list personal<br>data in WHOIS  |
|---|-----------------|--------------------------|---|--|---|--|---|
| .site, .tech, .online,<br>.store, .fun  |                 |                          |   |  |   |  |   |
| .actor, .airforce,<br>.army, .attorney,<br>.auction, .band,<br>.consulting,<br>.dance, .degree,<br>.democrat,<br>.dentist,<br>.engineer,<br>.forsale, .gives,<br>.lawyer,<br>.market,<br>.mortgage,<br>.navy, .ninja,<br>.rehab,<br>.republican,<br>.reviews, .rip,<br>.rocks, .social,<br>.software, .studio | Rightside Group | United States            | Yes                                     | Yes trademark<br>(UDRP, URS)                 | Yes. Rightside<br>treats the Internet<br>Watch<br>Foundation (IWF)<br>as a "trusted third<br>party notifier." | Yes, Rightside<br>may<br>terminate/suspen<br>d/transfer a<br>registration that<br>does not comply<br>with its or<br>ICANN's policies.<br>Trademark and<br>copyright<br>infringement are<br>listed in the<br>"Acceptable Use<br>Policy" as abuse<br>of a TLD. | Yes.  |
| .audio,<br>.blackfriday,<br>.cars, .christmas,<br>.click, .diet,<br>.flowers, .gift,<br>.guitars, .help,<br>.hiphop,<br>.hosting, .link,<br>.photo, .pics,<br>.property, .sexy,<br>.tattoo, .xxx,<br>.game  | Uniregistry     | Cayman Islands           | Yes                                     | Yes, trademark<br>(UDRP).                    | No  | Yes. Uniregistry<br>will place domains<br>on hold/lock for<br>violating any<br>registry or<br>ICANN policy.<br>Uniregistry will<br>block/delete<br>domains for<br>abusive behavior,<br>such as<br>distributing   | Up to the<br>Registrant.<br>Uniregistry offers<br>Privacy.Link, an<br>opt-in service by<br>which Uniregistry<br>will identify the<br>owner by a<br>"unique customer<br>number" and will<br>accept email on<br>the owner's |

| Domains   | Registry | Based in what<br>country | Removal of<br>domains by<br>court order | Removal of<br>domains by<br>arbitrator order | Removal of<br>domains on<br>trusted notifier<br>request | Removal of<br>domains for<br>breach of ToS   | May list personal<br>data in WHOIS |
|-----------|----------|--------------------------|---|--|---|--|------------------------------------|
|           |          |                          |   |  |   | malware or<br>phishing. It will<br>suspend (not<br>delete) domains<br>for "trademark or<br>copyright<br>infringement, [or]<br>fraudulent or<br>deceptive<br>practices." It has<br>additional policies<br>for certain<br>domains.   | behalf.                            |
| .com. net | Verisign | USA                      | Yes                                     | Yes (trademarks)                             | No  | Yes. Under a 2017<br>amendment to its<br>registry/registrar<br>agreement, new<br>terms will prohibit<br>the use of<br>domains for<br>"trademark or<br>copyright<br>infringement,<br>fraudulent<br>or deceptive<br>practices,<br>counterfeiting or<br>otherwise<br>engaging in<br>activity contrary<br>to applicable law<br>and providing | Yes                                |

| Domains   | Registry           | Based in what<br>country | Removal of<br>domains by<br>court order | Removal of<br>domains by<br>arbitrator order                     | Removal of<br>domains on<br>trusted notifier<br>request | Removal of<br>domains for<br>breach of ToS   | May list personal<br>data in WHOIS |
|---|--------------------|--------------------------|---|--|---|--|------------------------------------|
|   |                    |                          |   |  |   | consequences for<br>such activities,<br>including<br>suspension or<br>deletion of the<br>registration of the<br>Registered Name.   |                                    |
| .xyz, .auto, .car,<br>.cars, .college,<br>.protection,<br>.rent, .security,<br>.storage, .theatre | XYZ.com            | United States            | Yes                                     | Yes trademark<br>(UDRP, URS)                                     | No  | Yes. TOS<br>explicitly retain<br>discretion to<br>delete domains<br>that are "abusive<br>or violate[]<br>applicable law or<br>the rights of any<br>third parties."                                   | Yes.                               |
| Country-code top  | p-level domains (c | cTLDs)                   |   | 1  | 1   |  | 1                                  |
| .al   | AKEP Albania       | Albania                  | Yes                                     | Yes, incorporates the UDRP                                       | No  | Yes  | No                                 |
| .ar   | NIC Argentina      | Argentina                | Yes                                     | Yes (trademarks);<br>uses its own<br>admin process<br>called TAD | No  | Yes; NIC may<br>revoke any<br>registration that in<br>its opinion are<br>"offensive,<br>discriminatory or<br>contrary to law or<br>morality, or that<br>may be lent to<br>confusion,<br>deception or | Yes                                |

| Domains | Registry       | Based in what<br>country | Removal of<br>domains by<br>court order | Removal of<br>domains by<br>arbitrator order   | Removal of<br>domains on<br>trusted notifier<br>request | Removal of<br>domains for<br>breach of ToS   | May list personal<br>data in WHOIS   |
|---------|----------------|--------------------------|---|--|---|--|--|
|         |                |                          |   |  |   | impersonation"   |  |
| .at     | NIC.AT Austria | Austria                  | Yes                                     | No   | No  | Yes  | Since May 21,<br>2010, contact data<br>is hidden by the<br>registrar and must<br>be explicitly made<br>public.   |
| .au     | auDA           | Australia                | Yes                                     | Yes auDRP<br>(modified version<br>of UDRP); applies<br>primarily to<br>trade/service<br>marks but also<br>confusingly similar<br>names; applies to<br>asn.au, com.au,<br>id.au, net.au,<br>.org.au, and<br>.edu.au | No  | Yes; may delete<br>for violation of<br>any published<br>policy (called<br>"policy delete")                 | Yes, but has more<br>robust disclosure<br>requirements and<br>uses Image<br>Verification<br>Check (IVC) to<br>provide some<br>protection from<br>spammer abuse |
| .br     | Registro.br    | Brazil                   | Yes                                     | Yes (trademark);<br>uses custom<br>process based on<br>UDRP  | No  | Not expressly<br>breach of terms;<br>only for failing to<br>provide correct<br>information or<br>documents | Yes  |
| .ca     | CIRA           | Canada                   | Yes                                     | Yes (trademarks)   | No  | Yes; providing<br>incorrect<br>information or<br>any breach of<br>terms of service;                        | Since June 10,<br>2008, CIRA no<br>longer posts<br>registration details<br>of individuals  |

| Domains     | Registry | Based in what<br>country | Removal of<br>domains by<br>court order                    | Removal of<br>domains by<br>arbitrator order  | Removal of<br>domains on<br>trusted notifier<br>request | Removal of<br>domains for<br>breach of ToS  | May list personal<br>data in WHOIS |
|-------------|----------|--------------------------|--|---|---|---|------------------------------------|
|             |          |                          |  |   |   | may also delete<br>domain that<br>"bring[s] the<br>Registry into<br>disrepute"  | associated with .ca<br>domains.    |
| .ch         | SWITCH   | Switzerland              | Yes; will also<br>remove for<br>regulatory.admin<br>orders | Yes; applies to<br>"rights in a<br>distinctive sign"<br>which includes<br>but is not limited<br>to trademarks,<br>business names,<br>personal names,<br>geographical<br>indications, and<br>"defensive rights<br>devolving from<br>the law of unfair<br>competition";<br>applies variation<br>of UDRP; will<br>block domain<br>during dispute | No  | Yes; for failure to<br>maintain data or<br>"international<br>recommendations,<br>standards or<br>harmonisation<br>require it" | Yes                                |
| .cn,.中国,.中國 | CNNIC    | China                    | Yes  | Yes; uses its own<br>Dispute<br>Resolution Policy,<br>but language of<br>terms of service<br>indicate registry<br>will respond to<br>other arbitral<br>orders to remove;  | No  | Yes; violation of<br>relevant laws or<br>failure to keep up<br>data   | Yes                                |

| Domains | Registry       | Based in what<br>country | Removal of<br>domains by<br>court order      | Removal of<br>domains by<br>arbitrator order   | Removal of<br>domains on<br>trusted notifier<br>request  | Removal of<br>domains for<br>breach of ToS  | May list personal<br>data in WHOIS |
|---------|----------------|--------------------------|--|--|--|---|------------------------------------|
|         |                |                          |  | not expressly<br>limited to<br>trademark, stating<br>only that the<br>complainant must<br>specify "rights or<br>legitimate<br>interests" |  |   |                                    |
| .co     | .CO            | Colombia                 | Yes  | Yes (trademarks;<br>recognizes process<br>based on UDRP<br>and approved by<br>ICANN)   | No   | Yes; Rapid<br>Domain<br>Compliance<br>Program allows<br>quick suspension<br>for a number of<br>offenses<br>(phishing,<br>pharming,<br>distributing<br>malware. etc.); will<br>also remove for<br>false information<br>provided to<br>registry | Yes                                |
| .cr     | NIC Costa Rica | Costa Rica               | Yes; also responds<br>to orders from<br>WIPO | Yes; trademark;<br>similar to UDRP   | No; currently<br>resisting pressure<br>from US to<br>remove domain<br>related to Pirate<br>Bay | Yes; will remove<br>for "erroneous,<br>false, or<br>misleading"<br>infomation and<br>for marketing .cr<br>domain names<br>(only NIC may do<br>this); very   | Yes                                |

| Domains | Registry       | Based in what<br>country | Removal of<br>domains by<br>court order   | Removal of<br>domains by<br>arbitrator order   | Removal of<br>domains on<br>trusted notifier<br>request                              | Removal of<br>domains for<br>breach of ToS   | May list personal<br>data in WHOIS   |
|---------|----------------|--------------------------|---|--|--|--|--|
|         |                |                          |   |  |  | explicitly will not<br>remove for<br>content on<br>websites  |  |
| .de     | DENIC          | Germany                  | Yes   | No; "DENIC<br>does not use<br>dispute resolution<br>proceedings<br>before a consumer<br>arbitration board"   | No   | Yes, but Terms of<br>Service say<br>contract can be<br>terminated and<br>domain removed<br>only for<br>substantial<br>grounds        | Phone number<br>and e-mail address<br>do not have to be<br>made public.          |
| .dk     | DK Hostmaster  | Denmark                  | Yes, upon final<br>judgment; may<br>also be removed<br>for up to two<br>years at request of<br>police | Yes; trademark<br>and other naming<br>rights and covers<br>identical and close<br>spellings<br>("typosquatting");<br>DK has a special<br>complaint board | No; specifies that<br>notifiers must<br>hold trademarks<br>or other naming<br>rights | Yes; DK<br>Hostmaster may<br>also<br>remove/block if<br>they determine<br>there is trademark<br>or other naming<br>rights violations | Yes, but<br>individuals are<br>anonymous on<br>WHOIS                             |
| .es     | Dominios (.ES) | Spain                    | Yes   | Yes; ADR but<br>applies to<br>prior/previous<br>rights to the<br>name; broader<br>than trademark   | No   | Yes  | Access limited to<br>authorized users<br>on application to<br>the registry.      |
| .eu     | EURid          | Belgium                  | Yes; will also<br>permantly block<br>from any future<br>use any domains                               | Yes; Alternative<br>Dispute<br>Resolution<br>(ADR); applies to   | No   | Yes; breach of any<br>rules  | If the registrant is<br>a natural person,<br>only the e-mail<br>address is shown |

| Domains  | Registry            | Based in what<br>country | Removal of<br>domains by<br>court order  | Removal of<br>domains by<br>arbitrator order  | Removal of<br>domains on<br>trusted notifier<br>request | Removal of<br>domains for<br>breach of ToS  | May list personal<br>data in WHOIS                               |
|----------|---------------------|--------------------------|--|---|---|---|--|
|          |                     |                          | that are<br>racist/defamatory<br>/against public<br>policy per EU<br>member state<br>court order | "prior rights" to<br>the domain name;<br>gives trademark as<br>example, but does<br>limit to<br>trademarks  |   |   | in the public<br>whois records<br>unless specified<br>otherwise. |
| .fr      | AFNIC               | France                   | Yes  | Yes in accordance<br>with two<br>Alternative<br>Dispute<br>Resolution (ADR)<br>procedures<br>(SYRELI and<br>PARL EXPERT);<br>these apply more<br>generally than<br>trademark to all<br>intellectual<br>property rights or<br>personality rights<br>disputes | No  | AFNIC typically<br>does not perform<br>technical<br>operations<br>(including deleting<br>domains). Terms<br>of service do not<br>expressly say<br>AFNIC will delete<br>in cases other than<br>court order, ADR<br>decision, eligibility<br>verification<br>problem (not in<br>EU or do not<br>have trustee in<br>EU), or not<br>providing updated<br>contact info to<br>AFNIC | registration;<br>personal info<br>must be recorded               |
| .gr, .ελ | FORTH-ICS<br>Greece | Greece                   | Yes  | Yes; broader than<br>trademark,<br>includes use "in<br>any way that runs<br>contrary to the<br>principles of good   | No  | Yes   | No   |

| Domains  | Registry                        | Based in what<br>country | Removal of<br>domains by<br>court order | Removal of<br>domains by<br>arbitrator order  | Removal of<br>domains on<br>trusted notifier<br>request | Removal of<br>domains for<br>breach of ToS  | May list personal<br>data in WHOIS                       |
|----------|---------------------------------|--------------------------|---|---|---|---|--|
|          |                                 |                          |   | faith or is malicious".   |   |   |  |
| .is      | ISNIC Iceland                   | Iceland                  | Yes                                     | No  | No  | Yes   | May hide address<br>and phone<br>number.                 |
| .it      | Registro.it                     | Italy                    | Yes                                     | Yes; applies<br>primarily to<br>trademark but also<br>other "rights"<br>including a<br>domain that has<br>the identical first<br>and last name of<br>complainant; uses<br>its own process<br>based on ICANN<br>principles | No  | Yes for failure to<br>provide required<br>documents   | Yes  |
| .jp      | Japan Registry<br>Service (.jp) | Japan                    | Yes                                     | Yes (trademarks)  | No  | Yes   | Yes  |
| .kr, .한국 | KISA                            | Korea                    | Yes                                     | Yes (trademarks<br>and service marks,<br>including similar<br>names and those<br>causing confusion<br>to the brand)   | No  | Yes; failure to<br>provide up-to-<br>date/correct<br>information                              | Yes  |
| .nl      | SIDN                            | Netherlands              | Yes                                     | Yes; uses its own<br>Dispute<br>Resolution<br>Regulation;<br>applies to   | No  | Yes; per its Notice<br>and Takedown<br>Policy, SIDN will<br>remove domains it<br>believes are | Yes, but will not<br>publish names of<br>natural persons |

| Domains  | Registry                       | Based in what<br>country | Removal of<br>domains by<br>court order | Removal of<br>domains by<br>arbitrator order   | Removal of<br>domains on<br>trusted notifier<br>request | Removal of<br>domains for<br>breach of ToS  | May list personal<br>data in WHOIS              |
|----------|--------------------------------|--------------------------|---|--|---|---|---|
|          |                                |                          |   | trademarks and<br>other IP rights<br>(confusingly<br>similar names and<br>personal names);<br>only remedy is<br>change of<br>registrant (not<br>deletion of<br>domain) |   | engaging in<br>unlawful behavior<br>as a last resort;<br>domains may also<br>be frozen pending<br>violation of<br>general terms |   |
| .pl      | NASK                           | Poland                   | Yes                                     | Yes; special<br>process where<br>both parties are<br>Polish; not limited<br>to trademark   | No  | Yes; NASK can<br>terminate for any<br>violation of<br>regulations   | Yes   |
| .ru, .pф | Coordination<br>Center for TLD | Russia                   | Yes                                     | No; there is no<br>arbitration process<br>or admin hearings;<br>registrars also<br>cannot do<br>preliminary blocks<br>in relation to<br>IP/trademark<br>disputes       | No  | Yes   | Yes   |
| .se      | IIS                            | Sweden                   | Yes                                     | Yes; broader than<br>trademark; names<br>of copyright and<br>artistic works,<br>family names, and<br>names of<br>distinctive   | No  | Yes for failing to<br>fulfill information<br>requirements   | Yes; no personal<br>info for natural<br>persons |

| Domains      | Registry    | Based in what<br>country | Removal of<br>domains by<br>court order | Removal of<br>domains by<br>arbitrator order   | Removal of<br>domains on<br>trusted notifier<br>request   | Removal of<br>domains for<br>breach of ToS   | May list personal<br>data in WHOIS   |
|--------------|-------------|--------------------------|---|--|---|--|--|
|              |             |                          |   | features. Note:<br>does not cover<br>domains<br>facilitating<br>copyright, only<br>those that use<br>copyrighted<br>names in the<br>domain |   |  |  |
| .tk          | FreeNom     | Tokelau                  | Yes                                     | Yes (trademarks);<br>UDRP  | Yes (Facebook,<br>Twitter, APAC<br>are trusted<br>partners and are<br>allowed to hook<br>up their anti-abuse<br>systems - latest list<br>of partners<br>available from<br>2011) | Yes - very strict<br>for both paid and<br>free domains; will<br>proactively delete<br>inactive free<br>domains; also has<br>a strict content<br>requirement for<br>free domains and<br>will delete free<br>domains with<br>registered websites<br>containing adult<br>content, racism,<br>weapons, and<br>more | Yes, paid domains<br>only (not for free).<br>Uses ID Shield<br>and only publishes<br>an account<br>specific ID Shield<br>email and postal<br>address; keeps<br>personal<br>information<br>confidential |
| .uk          | Nominet     | United Kingdom           | Yes                                     | Yes (trademarks -<br>identical or similar<br>names)  | No  | Yes; for providing<br>inaccurate data to<br>the registry   | Yes; opt-out<br>policy for<br>publishing address   |
| Other (pseud | lo-domain)  |                          |   |  |   |  |  |
| .onion       | Tor Project | N/A                      | No                                      | No   | No  | No   | No   |

## Annex: Donuts registry's domains

.academy, .accountants, .agency, .apartments, .associates, .bargains, .bike, .bingo, .boutique, .builders, .business, .cab, .cafe, .camera, .camp, .capital, .cards, .care, .careers, .cash, .casino, .catering, .center, .chat, .cheap, .church, .city, .claims, .cleaning, .clinic, .clothing, .coach, .codes, .coffee, .community, .company, .computer, .condos, .construction, .contractors, .cool, .coupons, .credit, .creditcard, .cruises, .dating, .deals, .delivery, .dental, .diamonds, .digital, .direct, .directory, .discount, .doctor, .dog, .domains, .education, .email, .energy, .engineering, .enterprises, .equipment, .estate, .events, .exchange, .expert, .exposed, .express, .fail, .farm, .finance, .financial, .fish, .fitness, .flights, .florist, .football, .foundation, .fund, .furniture, .fyi, .gallery, .gifts, .glass, .gmbh, .gold, .golf, .graphics, .gratis, .gripe, .group, .guide, .guru, .healthcare, .hockey, .holdings, .holiday, .hospital, .house, .immo, .industries, .institute, .insure, .international, .investments, .irish, .jetzt, .jewelry, kitchen, .land, .lease, .legal, .life, .lighting, .limited, .limo, .loans, .ltd, .maison, .management, .marketing, .mba, .media, .memorial, .money, .movie, .network, .partners, .parts, .photography, .photos, .pictures, .pizza, .place, .plumbing, .plus, .productions, .properties, .recipes, .reise, .reisen, .rentals, .repair, .report, .restaurant, .run, .salon, .sarl, .school, .schule, .services, .shoes, .shopping, .show, .singles, .soccer, .solar, .solutions, .style, .supplies, .supply, .support, .surgery, .systems, .tax, .taxi, .team, .technology, .tennis, .theater, .tienda, .tips, .tires, .today, .tools, .tours, .town, .toys, .training, .university, .vacations, .ventures, .viajes, .villas, .vin, .vision, .voyage, .watch, .wine, .works, .world, .wtf,.zone,.企业,.商店,.娱乐,.游戏