

## **.XXX DOMAIN FAQs - SUNRISE PHASE**

### **Q: What is .XXX?**

A: .XXX is a new Sponsored Top Level Domain (sTLD), specifically designed for the benefit of the global online adult entertainment industry. It will work alongside the other existing ICANN accredited TLD's such as .com, .net, .org etc. and offers significant benefits and advantages to both providers and consumers.

Despite a large online market for adult entertainment, large sections of society do not wish to come into contact with its content and as such .XXX provides both willing consumers of adult entertainment and those who wish to avoid it with an easily identifiable mark — the end of the web address.

### **Q: Why is Network Solutions® participating in the .XXX extension when it relates to the Adult Entertainment Industry?**

A: Network Solutions will continue to position itself as the comprehensive provider of online services, including a breadth of domain name extensions such as the newly available XXX.

As with any new domain extension, Network Solutions® is partnering with the ICM Registry to promote extensions that we believe would be valuable to our customers. In this case, specifically around brand protection.

### **Q: What Features, Advantages and Benefits does .XXX offer Adult Webmasters?**

#### **A: FEATURES & ADVANTAGES:**

- A globally promoted & recognizable trusted Sponsored Community domain extension
- Targeted for the Sponsored Community (Adult Industry)
- Thousands of new domain names available to Sponsored Community webmasters
- ICM Registry Sponsored Portals (coming in 2012)
- Access to a unique micro-payment platform - opens new payment methods and markets globally (coming in 2012)
- Sites are labeled by MetaCert for consumers who do not wish to access these sites
- Increased traffic via ICM Registry portals, type-ins and directed search
- Daily malware & virus scanning included by McAfee® with McAfee Trustmark (logo is optional)
- Consumer friendly as customers know what to expect
- A safe, secure and trusted environment
- Consumer acceptance and confidence in .XXX domains

#### **BENEFITS:**

- Greater acceptance and trust by more consumers globally with the ability to pay easily without risk, which translates into:
  - More traffic
  - Higher conversion ratios
  - Easier ways to pay

### **Q: What is NOT associated with the Adult Industry (Non-Member) versus Part of the Adult Industry (Industry Member)?**

Certain launch phases of .XXX are available to members or non-members of the Adult Industry. To be considered to be part of the Adult Industry (Industry Member) you will need to fit the following definition: Individuals, business, entities, and organizations that; provide online, sexually-oriented adult entertainment ("Online Adult Entertainment") intended for consenting adults or for other community

members (“Providers”); Represent Providers (“Representatives”); or Provide products or services to Providers and Representatives (“Service Providers”) are eligible to register .XXX domain names.

**Q: Which phase should I submit my .XXX registration?**

A: Sunrise AT

- You are the owner of a trademark in the Adult Entertainment Industry
- You are a member of the Adult Industry
- You wish to have a live website on your .XXX domain name
- An auction process will be used for domain names that have more than one applicant

Sunrise AD

- You are the owner of an exact match domain name registered in another IANA TLD prior to February 1, 2010
- You are a member of the Adult Industry
- You wish to have a live website on your .XXX domain name
- An auction process will be used for domain names that have more than one applicant

Sunrise B

- You are the owner of a trademark outside the Adult Entertainment Industry
- You wish to have your .XXX domain name reserved (blocked) from use to protect your brand
- You wish to have your .XXX domain(s) display a page indicating that the name is reserved through ICM's Rights Protection Program

Landrush

- You are a member of the Adult Industry
- You do not have a trademark or a pre-existing exact match domain name prior to February 1, 2010
- An auction process will be used for domain names that have more than one applicant

General Availability

- You want to get in line for General Availability because .XXX domain names will be awarded on a first come, first- served basis
- You are either part or not part of the Adult Industry
- For members of the Adult Industry: Your domain name will resolve (become a live website) when you complete the membership authentication process
- For non-members of the Adult Industry: Your domain name will never resolve (become a live website)

**Q: What is the registration term for .XXX domain names purchased during the Sunrise AT (Adult Trademark Holders), Sunrise (Adult Domain Holders), Landrush and General Availability phases?**

A: For Sunrise AT, Sunrise AD, and General Availability phases, .XXX domains can be registered for 1, 2, 3, 5 or 10 year terms. Sunrise B domains are available for a one-time fee for a 10 year period and cannot be renewed.

**Q: If multiple applications are received in Sunrise B, will a closed auction be conducted to determine the allocation of the domain name?**

A: There will be no auctions in Sunrise B. Successful applications do not receive an award of a domain — the block is simply applied to the string. So, multiple applications for the same string will each be successful if the applicants' marks are validated.

**Q: If an applicant is a member of the Sponsored Community with verifiable trademark rights and is also owner of exact matching strings in other IANA TLDs, which Sunrise A Fee (trademark or**

**grandfathering) is applicable?**

A: In this example the applicant may apply either for a domain name backed by a trademark or grandfathered via an existing domain name. The route chosen will determine the fee paid.

**Q: If I understand correctly, we will be able to apply for non-member of the Sponsored Community on base of Trademark.**

A: Yes. As long as one Sunrise B Applicant meets the eligibility criteria, and no Sunrise AT or Sunrise AD applicant(s), apply for the same string — the domain will effectively be blocked from registration. During General Availability, non-members can register .XXX domains, but their domain will not resolve.

**Q: My understanding is that we will only have to pay 1 time to "protect" the domain names in this Sunrise B period. Is that correct?**

A: Yes, Sunrise B is a one-time fee.

**Q: What will happen with respect to WHOIS in Sunrise B? Are you going to display the registrant details in this WHOIS?**

A: WHOIS will reflect ICM Registry details. There is no Registrant ownership of the string in Sunrise B.

**Q: Will the domain name be granted to the A-type applicant, and will the B-type applicant be granted a refund?**

A: No. All Sunrise applications (A and B) are made on the basis of a one-time, non-refundable fee.

**Q: Are there additional fees dependent on what I do with my domain?**

A: You pay NO other ICM Registry fees, no matter what you choose to do with your domain – new site, park your domain or redirect it.

**Q: Do I need to give up my other adult domains in other TLD's such as .com?**

A: No, .XXX is a purely voluntary domain and you can continue to use your other existing domains. The ICM Registry expects, over time that .XXX will become the preferred domain name of choice by both the consumer and provider of online adult entertainment.

**Q: When will .XXX domains be available?**

A: Sunrise AT, AD, and B will run September 10th to September 11th at 12:00pm ET (note the ICM Registry opens September 7th at 12:00pm ET but Network Solutions® will open on September 10th). Sunrise Phase is NOT on a first come, first-served basis. Landrush will then run November 8th at 11:00am ET to November 25th at 11:00am. General Availability will open December 6th at 11:00am ET.

**Q: If I own a Trademark, am I guaranteed to get the matching domain name in .XXX?**

A: Not necessarily. Trademark owners are offered protection via a myriad of Rights Protection Mechanisms designed to prevent Abusive Registrations. Many Trademarks can exist in many different jurisdictions for the same string depending on use etc. What the ICM Registry does have is a third party administered Trademark Validation and name allocation process. Trademark holders will need to apply during the Sunrise period.

**Q: How can I ensure that I get my matching .com/.net/.org etc domain in .XXX?**

A: Priority allocation will be given to community members who hold names that were registered before 1 February 2010 in other ICANN approved Internet extensions.

**Q: What is IFFOR?**

A: IFFOR stands for International Foundation for Online Responsibility and is a Non-Profit Foundation that is tasked with setting the policies for dot-xxx domains. IFFOR is independent from ICM and funded through contract with ICM to the tune of \$10 per registration per year. The IFFOR Policy Council will comprise five adult industry representatives from around the world, with one member from ICM plus three advocates focused on: privacy and security; free speech; and child protection. The adult industry has majority representation. The policies guidelines are strictly organized in the IFFOR charter (available [www.iffor.org](http://www.iffor.org)) and no policy can be implemented that is outside the charter. More information can be found at its website: [www.iffor.org](http://www.iffor.org).

**Q: What are the IFFOR Policies?**

A: The main one is a requirement to clearly label all sites. This will be done automatically with no action required on your part.

The second is a complete prohibition of illegal child pornography and related terms.

The third requirement is a set of "Best Business Practices", which we have little doubt most of you in the industry already adhere to with your current business.

**Q: What does IFFOR do with the \$10 per name per year it receives?**

A: After paying the costs of running itself, including an Executive Director based in Washington D.C, an Ombudsman and a Manager of Public Participation, the remaining funds will be used via a Grants Committee to support and sponsor initiatives designed to help promote and protect the Sponsored Community themselves (i.e. the Online Adult Entertainment Industry) via initiatives in areas such as Anti-Piracy, 2257, performer Health & Safety, Free Speech Issues and also to fund various Child Protection Initiatives.

**Q: For Sunrise is there is a cut-off date for trademarks to be registered?**

A: The registered trademark must be a trade or service mark registration of national or regional international effect issued prior to 1 Sept. 2011 and in use in Eligible Commerce by the Applicant.

**Q: What are the trademark eligibility requirements to submit .XXX Sunrise applications?****A: Sunrise AT Eligibility**

To be eligible to submit a Registration Request under Sunrise AT, a Sunrise Applicant must:

- be a member of the Sponsored Community; and
- own a registered trademark actually and substantially used in Eligible Commerce in the jurisdiction where issued for the stated goods or services, and which directly corresponds to the name in the Registration Request; the registered trademark must be in full force and effect at the time of submission of the Registration Request and at the time of Registration of any awarded name.

For the purpose of Sunrise AT Eligibility, the registered trademark must be a trade or service mark registration of national or regional international effect issued prior to September 1, 2011 and in use in Eligible Commerce by the Applicant.

The domain name sought must correspond to the entire text of a textual registered trademark, or correspond to the complete textual component of a graphical or compound registered trademark, provided that such textual component as a whole or in all parts is not disclaimed or otherwise excluded from full rights conferred by the registration or commercial impression conveyed by the mark.

The registered trademark may not include “.XXX” as either a portion of a textual registered trademark or as a portion of the textual component of a graphical or compound registered trademark, and must not include figurative marks or special characters presented in a trademark registration for the apparent purpose of obtaining dictionary words or common expressions under sunrise registration procedures or under circumstances suggesting such a purpose.

For the purpose of AT Eligibility, qualified registered trademarks shall not include:

- trademarks or service marks for which an application for registration has been filed, but is not actually registered by the competent public authority or intergovernmental organization prior to September 1, 2011;
- trademarks or service marks for which an application has lapsed, been withdrawn, revoked, cancelled, or otherwise is no longer in full force and effect;
- unregistered trademarks or service marks (including common law); U.S. state trademarks or service marks;
- international applications for the registration of trademarks, made through the Madrid system, unless these are based on or have resulted in a registered trademark of national effect; or
- U.S. supplemental registrations; or any other rights in a sign or name, including domain names, trade names, and appellations of origin.

### **Sunrise AD Eligibility**

To be eligible to submit a Registration Request under Sunrise AD, a Sunrise Applicant must:

- be a member of the Sponsored Community; and
- operate a Corresponding Domain Name in another IANA-recognized TLD in current use in Eligible Commerce.

For purposes of Sunrise AD, a “Corresponding Domain Name” is a domain name (i) created on or before February 1, 2010, and (ii) registered at the first level ordinarily permitted by the registration authority in the relevant IANA-recognized TLD, e.g., the second-level name “string” in string.com, or the third-level name in string.co.uk.

### **Sunrise B Eligibility**

To be eligible to submit a Reservation Request under Sunrise B, an Applicant must seek to reserve a name in the .XXX sTLD corresponding to a registered trademark that will, if approved, resolve to a standard informational page reflecting the status of the name as reserved. For the purpose of Sunrise B Eligibility, the registered trademark shall be a trade or service mark registration of national or regional international effect issued prior to September 1, 2011.

The domain name sought must correspond to the entire text of a textual registered trademark, or correspond to the complete textual component of a graphical or compound registered trademark, provided that such textual component as a whole or in all parts is not disclaimed or otherwise excluded from full rights conferred by the registration or commercial impression conveyed by the mark.

The registered trademark may not include “.XXX” as either a portion of a textual registered trademark or as a portion of the textual component of a graphical or compound registered trademark, and must not include figurative marks or special characters presented in a trademark registration for the apparent purpose of reserving dictionary words or common expressions under sunrise registration procedures or under circumstances suggesting such a purpose.

For the purpose of Sunrise B Eligibility, registered trademarks shall not include:

- trademarks or service marks for which an application for registration has been filed, but is not actually registered by the competent public authority or intergovernmental organization prior to September 1, 2011;

- trademarks or service marks for which an application has lapsed, been withdrawn, revoked, canceled, or otherwise is no longer in full force and effect;
- unregistered trademarks or service marks (including common law); U.S. state trademarks or service marks;
- international applications for the registration of trademarks, made through the Madrid system, unless these are based on or have resulted in a registered trademark of national effect; or
- U.S. supplemental registrations; or any other rights in a sign or name, including domain names, trade names, and appellations of origin.

**Q: Will Sunrise B applications allow the use of hyphens?**

A: As per the ICM Registry policies, the hyphen is a valid replacement for non-standard characters as well as for spaces between words in the trademark.

**Q: We need know to the exact response to the question of why we are not allowing privacy/proxy services during Sunrise.**

A: The Validation agents has to decide if the applicant is in fact the owner, licensee or agent to the trademark holder and that can only be done by matching up with the true registrant details. Secondly, during Sunrise and Landrush, the applicants email becomes permanently associated with the applicants membership account in the Sponsored Community. At General Availability you can register a domain and use privacy/proxy services.

**Q: Will there be a WHOIS for Sunrise?**

A: Registrants and Registrars will be notified as domains are awarded, but awarded domains will actually be created and allowed to resolve on or just before December 6, 2011. WHOIS information for these domains will be public on December 6, 2011.

**Q: Can an Applicant submit a Sunrise request for A and B using the same Registrant contact? Since Sunrise B is reserved and transferred to the ICM Registry there should be no reason why the systems shouldn't allow both under the same Registrant contact**

A: No, the ICM Registry will enforce this by ensuring all Sunrise A and Landrush applications have membership credentials prior to submission.

**Q: Let's say, someone applies for SomeCompany.xxx in Sunrise A. Do we let them know someone has validated SomeCompany in Sunrise B or do we let them know that the actual SomeCompany corporation validated their trademark in Sunrise B? Just want to be sure.**

A: All Competing applicants in Sunrise will be provided with the existence and nature of the competing claim(s) by the ICM Registry.

**Q: Sunrise AD Eligibility - it shows the example under .uk that string.co.uk match is fine, I assume also string.org.uk and other official Nominet subdomains (.net.uk, .me.uk etc.). In case of TLD under which second level registrations are possible, for example .fr, would both string.fr and string.com.fr domains would be acceptable?**

A: The ICM Registry would use the first level string ordinarily permitted by the registration authority in the relevant IANA-recognized TLD, e.g., the second-level name "string" in string.com, or the third-level name in string.co.uk.

**Q: What is the Sunrise validation process and how does it work?**

A: Registration Requests submitted to the ICM Registry will be considered a final submission. Other than

providing additional information at the request of the ICM Registry and/or the Validation Agent, Applicants in the Sunrise process will not be entitled to amend or modify a submitted Registration Request.

The ICM Registry's Validation Agent will review all Registration Requests and Reservation Requests to confirm that the required data elements have been included in the request. The Validation Agent shall be required by the ICM Registry to carry out its tasks in an objective and non-discriminatory manner. The Validation Agent will have the right, but not the obligation, to conduct its own investigations into the circumstances of the Registration Requests or Reservation Requests, the information provided therein, and any evidence received in connection with the Sunrise process.

The ICM Registry and/or Validation Agent may require additional materials, documentation, and/or evidence from Applicants including, without reservation: English translations of documentation; evidence of the eligibility of an Applicant to participate in the Sunrise process, including the Applicant's claims related to rights in a registered trademark; evidence of use of asserted registered trademarks in connection with the goods, services and jurisdiction claimed; evidence of use of an existing domain name in an IANA-recognized TLD; and, for members of the Sponsored Community, the use of an asserted registered trademark in Eligible Commerce in the relevant jurisdiction for the goods or services claimed. Failure to respond to a request for additional information within the specified time period will void the Registration Requests. The ICM Registry will not refund application fees under any circumstances, including application fees for Registration Requests that are abandoned or where an Applicant otherwise fails to provide information sought by the ICM Registry or the Validation Agent.

The ICM Registry and/or Validation Agent may request that Sunrise AD Applicants follow instructions to confirm ownership of a registration in an IANA-recognized TLD that is claimed to be in use in Eligible Commerce. Failure to respond to such a request within the specified time period will void the Registration Request. The ICM Registry will not refund application fees under any circumstance, including application fees paid by those submitting Registration Requests that are abandoned or where an Applicant otherwise fail to provide information sought by the ICM Registry or the Validation Agent.

All Registration Requests must include the Applicant's certification, representation, and warranty that the request is compliant with the relevant Sunrise requirements. Requests that do not contain the required certification and warranty will be rejected by the ICM Registry.

By submitting a Registration Request, Applicants acknowledge, agree, and accept sole and direct liability for damages suffered by any third party injured as a consequence of a Registration Request or Reservation Request and/or the Registration or Reservation of a name in the .XXX TLD under this policy, and agree to indemnify and hold the ICM Registry and its executives, officers, employees, contractors, affiliates and agents harmless for any claims, causes of action, damages, or injuries resulting from actions, omissions, or errors.

Applicants may be required by the ICM Registry, in its reasonable discretion, to provide reasonable and sufficient surety of indemnification, and shall be liable for any costs or fees incurred by the ICM Registry as a consequence of third party claims arising from the Applicant's Registration Request for and/or the Registration of a name in the .XXX TLD under this policy. Such liability shall extend without limitation to any injury claimed as a consequence of false statements made in the request and relied upon by the ICM Registry in Registration of a name.

**Q: Could you please confirm that in Sunrise B, only registered trademarks are accepted. Trademarks that are in the process of registration are not accepted.**

A: Yes, a registered trademark is only accepted — a trade or service mark registration of national effect issued prior to September 1, 2011.



**Q: If the applicant owns a trademark in Cyrillic characters, can they apply for the translated English equivalent?**

A: The answer is no, they cannot apply for the translated English equivalent.

**Q: In case of multiple Sunrise B applications on the same domain name, will the others applicants be reimbursed of the fee (I think that the answer is "no" but could you please confirm?)**

A: There are no refunds for Sunrise B applications. Each one will be validated.

**Q: If we submit an application in Sunrise A and get the name, do we have to operate it as adult-oriented site or can we just re-direct unless and until we decide we want to provide some adult-related stuff? I realize that a block cannot be redirected but I am referring to a registration.**

A: As long as you fit the definition of our Sponsored Community and authenticate on our website, your domain will resolve and it can be redirected.

**Q: Is there any special Sunrise or Landrush fee that is non-refundable?**

A: All application fees are final and non-refundable.

**Q: Are Sunrise and Landrush only one-year registrations?**

A: No, they can be up to 10 years.

**Q: What is the create date for an "awarded" domain?**

A: Create date is the date that the domain goes live in the ICM Registry. For domains awarded during Sunrise or Landrush the creation date will be just on or before General Availability of December 6, 2011.

**Q: Can an Applicant submit a Sunrise request for A and B using the same Registrant contact? Since Sunrise B is reserved and transferred to the ICM Registry there should be no reason why the systems shouldn't allow both under the same Registrant contact**

A: No, the ICM Registry will enforce this by ensuring all Sunrise A and Landrush applications have membership credentials prior to submission. We recommend creating separate Network Solutions accounts if you wish to submit a Sunrise A and Sunrise B request.

**Q: How do I request that my application for an .XXX domain name be reconsidered if my application has been rejected or another party was awarded the domain name and I wish to challenge the decision?**

A: No, the ICM Registry is not offering any ability for reconsideration of an .XXX domain name.

**Q: If I own a Trademark, am I guaranteed to get the matching domain name during pre-registration for .XXX domains?**

A: Please note that when you pre-register a specific domain name(s), there are no guarantees that the domain name(s) you want will be available to you once the .XXX phases open.

**Q: If I purchase an .XXX domain name, am I allowed to host adult content as per Network Solutions® Legal Policies?**

A: The terms and conditions of the Network Solutions' Service Agreement do not expressly prohibit the use of its hosting services for adult content. To review the terms and conditions of our Acceptable Use Policy, please go to <http://www.networksolutions.com/legal/aup.jsp>



**Q: How do I become a member of the Sponsored Community?**

A: During the Sunrise AT, AD phases, following are the steps to complete the member authentication process (this needs to be completed within 48 hours of the Sunrise phase closing):

1. Once you complete your .XXX domain name application, the ICM Registry will create the member account on the ICM Registry side and will email you to complete the authentication process. The link provided in the email has an expiration of 72 hours. If the applicant tries it on the 73rd hour, there will be a link on ICM Registry website to resend another authentication email.
2. You will receive an email and click on the 'Finish Creating My Account' link in the email.
3. Once on the ICM website, you will be prompted to enter 'name', 'new password' and 'date of birth'.
4. Then, you will also be asked to enter an address (personal or business) as well as a direct phone number in which you can be reached at in the next few minutes.
5. You will then choose the language in which they will receive the phone call in (currently in English, French, Spanish, and German) and click 'next'.
6. You will receive a phone call and will receive the pin to enter into the member account.
7. You will enter that pin# into the website and once the pin# is validated, the process will be complete and the applicant will receive their Member Contact ID. Keep in safe place for further use.

**Q: I would like to know if during Sunrise A, an applicant with verifiable trademark rights has preference over applicants owning an existing domain in another gTLD or ccTLD?**

A: No, there is no preference in Sunrise A. If you have a trademark, you qualify. If you have an existing domain in another TLD, you are in. Competing applications go to auction.

**Q: For Sunrise A (Trademark Holders & Grandfathering) - targeted for Members of the Sponsored Community, an email will be sent by ICM Registry to the applicants (based on the Registrant contact details) with a link asking them to authenticate as a Member on the ICM Registry site. No fee will be collected for the authentication process. Applicants have time from the date of registration to 48 hours after the close of the Sunrise phase to complete their authentication process or risk losing their application. Authentication needs to be completed for the name to resolve.**

A: The registrant will definitely lose their application if they do not become authenticated by the deadline of 48 hours after Sunrise/Landrush.

**Q: If a closed auction has to be conducted, who would be informed of the auction?**

A: Under Sunrise AT and AD, auction notices will be sent to the applicant and their registrar.

**Q: How are applicants notified that there are multiple applications on their string?**

A: ICM Registry is working with Pool.com for the .XXX auction process. Pool.com will send an email to the applicant from [NoReply@pool.com](mailto:NoReply@pool.com) to notify them if there are multiple applications on their submission.

**Q: How are applicants notified they that they are going to auction?**

A: ICM Registry is working with Pool.com for the .XXX auction process. Pool.com will send an email to the applicant from [NoReply@pool.com](mailto:NoReply@pool.com) if the applicant will be going to auction for their submission.

**Q: How is auction winner notified of winning?**

A: ICM Registry is working with Pool.com for the .XXX auction process. Pool.com will send an email to the applicant from [NoReply@pool.com](mailto:NoReply@pool.com) to notify the applicant if they won the auction for their .XXX domain name.

**Q: How are auction losers notified of losing?**

A: ICM Registry is working with Pool.com for the .XXX auction process. Pool.com will send an email to the applicant from [NoReply@pool.com](mailto:NoReply@pool.com) to notify the applicant if they did not win the auction for their .XXX domain name.

**Q: What happens if there are no bidders in the Sunrise AT, Sunrise AD or Landrush auction? Will the domain name be awarded?**

A: During the Sunrise AT, AD and Landrush processes, the ICM Registry will accept all applications regardless of timestamp. The applications will be processed for both membership and IP rights or string ownership upon receipt. All valid applications will be eligible for auction in the event of multiple applications for the same string. The opening bid will be set as follows for these auctions (a) if the applicant was a pre-reservant (on the ICM Registry website) prior to the launch period, the earliest pre-reservant will be given the opening bid of \$0 (b) if no pre-reservant exists, the ICM Registry will give the opening bid to the first valid applicant based on timestamp of application. In the event that no one signs up or participates in the auction, the ICM Registry will award the name (as if it were a single applicant) to (a) initial pre-reservant if it exists or (b) initial applicant