



REGISTRATION ELIGIBILITY DISPUTE RESOLUTION POLICY

1.0 Registration Eligibility Dispute Resolution Policy

Version Control: 2.0

Date of Implementation: 20230525

2.0 Summary

This Registration Eligibility Dispute Resolution Policy (the “Policy”) describes the process and standards that will be applied to names registered in the .MUSIC Top Level Domain (“MTLD”) on the basis of failure to meet or maintain the eligibility or restriction criteria required by the Registry Operator.

This Policy also applies to Applications made during the Community Organization Phase, according to the Name Allocation Policy. This Policy is incorporated by reference into the Registration Agreement for each domain registered in the MTLD. This Policy shall remain in effect as long as the Registry Operator maintains the eligibility criteria, restrictions, or ranking determinants.

This Policy is administered by the National Arbitration Forum (“Forum”) on behalf of Registry Operator and in accordance with the Forum’s rules and policies that may be found at the Forum’s website.

2.1 Definitions

2.1.1 Complainant. A person (legal or natural) who makes a complaint under this Policy.

2.1.2 Panel or Panelist. The person or organization appointed by the Provider to provide a written decision in relation to a dispute arising under this Policy

2.1.3. Provider. The dispute resolution provider appointed by the Registry Operator to administer resolution of disputes arising under this Policy.

2.1.4. Respondent. The applicant or registrant of the domain name(s) subject to a complaint under this Policy.

3.0 Applicable Disputes

A registered domain name in MTLD will be subject to an administrative proceeding upon submission of a complaint showing by a preponderance of the evidence that a registration was improperly granted/denied or that an Application, under the Name Allocation Policy, improperly denied/ranked under one or more of the circumstances in this section:

3.1 Ineligibility or Denial of Allocation of Applied for MTLT Domain Name during the Community Organization Phase. At the end of the Community Organization Phase, according to the Name Allocation Policy, the Registry Operator will determine if an Applicant is eligible to be awarded the MTLT domain name applied for or which of two or more applicants in contention for the same MTLT domain name will be awarded the MTLT domain name based on the highest eligibility. Highest eligibility shall be based on the timely return of requested documentation from the applicant(s) and the quality (correct, complete, truthful and verifiable) of the documentation submitted. A Complainant under this section shall be required to show that the Registry Operator denied a MTLT domain name Applicant that both properly submitted documentation as requested and that they are objectively recognized and should have ranked higher than other applicants for the same MTLT domain name, in accordance to the Name Allocation Policy.

3.2 Maintenance Eligibility Requirements

A complaint under this section shall be required to show that a registered domain name in the MTLT does not comply with the provisions of the Registry Operator's Registrant Eligibility Policy. The complaint must show that after the challenged domain name was registered, the Registrant failed to comply with the Registry Operator's ongoing restrictions or requirements for maintaining the registration. The complainant shall submit a copy of the Registry Operator's Registrant Eligibility Policy with a complaint detailing the alleged violation(s).

3.3 Denial of Registration

A complaint under this section shall be required to show that the Registry Operator did not allow a registration of a domain name that was properly submitted in compliance with the Registry Operator's Registrant Eligibility Policy. The complainant shall submit a copy of the Registry Operator's Registrant Eligibility Policy and the reason for the denial with details of the complaint.

4.0 Remedies

The remedies available to a Complainant for a proceeding under this Policy shall be limited to:

4.1 Ineligible at Registration. If the Panelist finds that the domain name was improperly registered, the sole remedy for a complaint shall be cancellation of the registration and return of the canceled domain name to the pool of available names available for registration in MTLT.

4.2 Improper Maintenance of Eligibility

The remedies for a complaint filed under Policy 3.2 are either:

- i. The Panel may allow the respondent up to fourteen (14) days to bring the registration into compliance and submit proof of compliance and ongoing eligibility; and/or
- ii. The Panel may order cancellation of the registration and return of the canceled domain name to the pool of available names available for registration in the MTLD.

4.3 Improper Denial of Registration. If the Panel finds that the complainant had met all of the requirements set forth by the Registry Operator as conditions to registration, and that the Registry Operator had failed to register the domain name accordingly, the decision shall state and the Panel shall order the Registry Operator to permit the registration. The complainant will have thirty days (30) from the date of the decision to complete any requirements for registration of the domain name. After thirty (30) days, the domain name may be released into the pool of available names.

5.0 Procedure

5.1 Complaint Requirements. A Complaint must include/comply with the following requirements to be processed:

- 5.1.1. The name of the individual or legal entity filing the complaint, along with the following contact details: email, phone number, address of the Complainant and of any representative authorized to act on behalf of the Complainant in the administrative proceeding;
- 5.1.2. The domain name(s) that are subject of the dispute;
- 5.1.3. Name of the Respondent, and the Respondent's contact information from the WHOIS entry associated with the disputed domain name(s);
- 5.1.4. Ground(s) relied upon for seeking to cancel the registration;
- 5.1.5. Remedy requested;
- 5.1.6. Complaint and all annexes must be submitted electronically according to the instructions listed in this policy, with the Complaint not to exceed 1000 words and no more than five annexes, which annexes shall not exceed fifty (50) pages in total;
- 5.1.7. Identification of any other legal proceedings that have been commenced or terminated in connection with or relating to any of the domain name(s) that are subject to the dispute;
- 5.1.8. Complaint must conclude with the following statement for and on behalf of the Complainant: "Complainant agrees that its claims and remedies concerning the registration of the domain name, the dispute, or the dispute's resolution shall be solely against the Respondent and waives all such claims and remedies against (a) the Provider and Panel except in the case of deliberate wrongdoing, (b) Registry Operator (c) the Registrar, and (d) ICANN; and the respective directors, officers, employees, representatives and agents of each of the foregoing." "Complainant certifies that the information contained in this complaint

is, to the best of Complainant's knowledge, complete and accurate, that this complaint is not being presented for any improper purpose, such as to harass, and that the assertions in this complaint are under applicable law, as it now exists or as it may be extended by a good faith and reasonable argument."

5.2 Initial Review and Mediation. Upon receipt of a properly formatted Complaint, Registry Operator will attempt to resolve the issue internally without charge. If the complaint relates to a registry process error, the Registry Operator will investigate and, if upheld, seek to resolve such errors internally without charge. In the event the Registry Operator, in its discretion, is unable to resolve the dispute, the Registry Operator will notify the Complainant to submit its complaint to a Provider. The Registry Operator will endeavor to conduct this Initial Review within ten (10) calendar days of receipt.

5.3 Submission to a Provider. If the Registry Operator is unable to resolve the dispute in accordance with the process outlined in 5.2, then Complainant may submit its complaint to the National Arbitration Forum ("Forum") by filing the complaint directly with the Forum via the Forum's website and intake procedures. The Forum will administer the proceeding and select a qualified and eligible panel or panelists ("Panel"). The Forum shall establish and publish Rules, Policies, a Fee Schedule and other technical and procedural requirements for any dispute under this Policy ("Rules"). All proceedings under this Policy will be conducted according to the Policy and the Rules (including any supplemental instructions listed by the Forum)..

5.4 Post Provider Submission. Neither the Registry Operator nor Registrar will participate in the administration or conduct of any proceeding before a Panelist, except that Registry Operator may provide evidence supporting its denial, cancellation, registration or assignment of a domain name(s) under the Policy.

In any event, neither the Registry Operator nor the Registrar is or will be liable as a result of any decisions rendered by the Panelist. Any registered domain names in MTLTD involved in a Policy proceeding will be locked against transfer to another domain name holder or another Registrar during the course of a proceeding. In the case of a claim, the Registry Operator will prevent other parties from registering the unregistered domain name at issue until a decision is reached. The contact details of the holder of a registered domain name in MTLTD, against which a complaint has been filed, will be as shown in the Registrar's publicly available Whois database record for the relevant Registrant. The Registry Operator and the applicable Registrar will comply with any Panelist decision and make all appropriate changes to the status of the domain name registration(s) in their Whois databases.

5.5 Parties. The Applicant or Registrant of a registered domain name in MTLTD shall be promptly notified of the commencement of a dispute under this Policy, and may contest the allegations of the complaint or show other cause why the remedy requested in the complaint should not be granted in accordance with this Policy. In all cases, the burden

of proof shall be on the Complainant, and default or other failure of the holder of the registered domain name shall not constitute an admission to any allegation of the complaint. The Provider shall promptly notify all named parties in the dispute, as well as the Registrar and the Registry Operator of any decision made by a Panelist.

5.4 Decisions

5.4.1 The Panelist may state the basis on which the decision is issued in summary format, but with reasonable particularity so that the parties may understand the basis for the decision and the Panelist's rationale. The decision may include such further commentary or guidance as the Panelist deems appropriate;

5.4.2 The decision shall state whether a registered domain name in MTLN is to be canceled or the status quo maintained; and

5.4.3 Decisions made under this Policy will be publicly published by the Forum on its website.

5.5 Implementation of a Lock and the Decision. If a Panelist's decision requires a change to the status of a registered domain name, the Registry Operator will wait ten (10) business days after communication of the decision before implementing that decision, unless the registrant submits to the Registry Operator (with a copy to the Provider) during that ten (10) day period official documentation (such as a copy of a complaint, file-stamped by the clerk of the court) that the Registrant has commenced a lawsuit to preserve its claimed rights in a court of competent jurisdiction over the parties and the registered domain name. If such documentation is received no further action shall be taken until the Registry Operator receives (i) evidence satisfactory to the Registry Operator of an agreed resolution between the parties; (ii) evidence satisfactory to Registry Operator that registrant's lawsuit has been dismissed or withdrawn; or (iii) a copy of an order from such court dismissing such lawsuit or otherwise directing disposition of the registered domain name.

5.6 Representations and Warranties. Parties to a dispute under this Policy shall warrant that all factual allegations made in the course thereof are true and correct to the best of their knowledge, shall remain subject to all representations and warranties made in the course of registration of a disputed domain name.

6.0 Maintaining the Status Quo

During a proceeding under the Policy, the domain name shall be locked against transfers between Registrants and/or Registrars. In the event the domain name(s) is due to expire during a proceeding, the name shall proceed to a temporarily reserved status if it is not renewed by the Registrant; the Policy proceeding, in that case, shall be terminated.

7.0 Indemnification / Hold Harmless

The parties shall hold the Registrar, the Registry Operator, the Provider, and the Panelist harmless from any claim arising from operation of this Policy. Neither party may name the Registrar, the Registry Operator, the Provider, or the Panelist as a party or otherwise include the Registrar, the Registry Operator, the Provider, or the Panelist in any judicial proceeding relating to the dispute or the administration of this Policy. The parties shall indemnify, defend and hold harmless the registrar, the Registry Operator, the Provider, the Panelist and their respective employees, contractors, agents and service providers from any claim arising from the conduct or result of a proceeding under this Policy. Neither the Registrar, the Registry Operator, Provider, the Panelist and their respective employees, contractors, agents and service providers shall be liable to a party for any act or omission in connection with any administrative proceeding under this Policy or the corresponding Rules. The complainant shall be directly and solely liable to the Registrant in the event the complaint is granted in circumstances where the Registrant is lawfully entitled to Registration and use of the registered domain name(s) in MTL D.

8.0 Relation to Other Dispute Resolution Policies

This Policy is in addition to and complementary with the Uniform Domain Name Dispute Resolution Policy (“UDRP”), the Uniform Rapid Suspension System (“URS”) and any Charter, Nexus, or Eligibility Dispute Policies adopted by ICANN or the Registry Operator. The conditions herein may constitute lack of legitimate interests and/or bad faith as appropriate under the UDRP or URS in relation to domain names in the MTL D.

9.0 Frivolous, Baseless or Abusive Filings

Upon the occurrence of three decisions in which a complainant, complaint’s counsel or complainant’s counsel’s firm, or a filing organization are found to have filed claims that are found to be frivolous, filed in bad faith, or have submitted Complaints without conducting appropriate due diligence, or have submitted a claim that can be reasonably viewed to harass registrants, the Registry Operator, abuse the Policy or Forum, such complaint, counsel, firm or organization shall be barred from further filings under this Policy.

10.0 Effect of Other Proceedings

The administrative proceeding under the Policy shall not prevent either party from submitting a dispute concerning the domain name in the MTL D to concurrent administrative proceedings or to a court of competent jurisdiction for independent resolution during a pending Policy administrative proceeding or after such proceeding is concluded. Upon notice of such other proceeding, the Policy proceeding will be suspended or terminated (in the sole discretion of the Panel) in deference to the outcome of such other proceeding. If a domain name in the MTL D is subject to a UDRP proceeding, the factors set forth in the Policy may be alleged in such proceedings as applicable terms of legitimate rights or registration and use under the UDRP in addition to any allegations or defenses available.

11.0 Amendments

Registry Operator reserves the right to modify this Policy at its sole discretion. Such revised Policy shall be posted on the Registry Operator's website at least fifteen (15) calendar days before its effective date. Therefore, it is important to check the effective date of the Policy posted here each time you use the Registry Operator's website. By continuing to use the Services after we make changes, you indicate your consent to those changes.

12.0 Questions and Contact Information

Registry Operator wants to assure you that we are dedicated to protecting the rights of registrants. If you have questions or comments about this Policy, please contact policy@my.music

* * *