

.WhosWho Acceptable Use and Takedown Policy

This Acceptable Use and Takedown Policy (“Acceptable Use Policy”) of Who’s Who Registry (the “Registry”), is to be read together with the Registration Agreement and words and phrases used in this Acceptable Use and Takedown Policy shall have the same meanings attributed to them as in the Registration Agreement unless otherwise specified or the context clearly otherwise requires.

Please note that the Registry may modify this Acceptable Use Policy from time to time in order to comply with applicable laws and terms and/or any conditions set forth by ICANN. Any revisions or modifications to this Acceptable Use Policy shall be effective thirty (30) days after the initial date of posting such revisions or modifications on the Registry’s website and such amendments shall be binding upon the domain name registrant.

Acceptable Use Overview

All domain name registrants must act responsibly in their use of any .WhosWho domain or website hosted on any .WhosWho domain, and in accordance with this policy, ICANN rules and regulations, and applicable laws, including those that relate to privacy, data collection, consumer protection (including in relation to misleading and deceptive conduct), fair lending, and intellectual property rights. The Registry will not tolerate abusive, imposturous, malicious, profane, obscene, vulgar or illegal conduct in registration of a domain name; nor will the Registry tolerate such content on a website hosted on a .WhosWho domain name. Domains for fan, rant or parody sites not sanctioned by the eponym are subject to take down. This Acceptable Use Policy will govern the Registry’s actions in response to abusive, malicious, or illegal conduct of which the Registry becomes aware. In all cases the Registry reserves the right to bring the offending sites into compliance using any of the methods described herein, or others as may be necessary in the Registry’s discretion, whether or not described in this Acceptable Use Policy. Upon becoming aware of impermissible conduct, the Registry (or its designees) may alert any relevant Registrar about any identified threats, and may work with them to resolve such issues. The Registry will also utilize such other methods in compliance with applicable laws and ICANN policies, as it deems appropriate.

Notice of Violations

The Registry may identify Acceptable Use Policy violations by any means, including without limitation, a private complaint, public alert, government or enforcement agency outreach, ICANN notification, and on-going monitoring by the Registry or its partners. At its discretion, the Registry or its designee, through an automated system or otherwise, may view any website hosted on a .WHOSWHO domain, for the purpose of identifying Acceptable Use Policy violations.

Prohibited Actions

Conduct in violation of this Acceptable Use Policy includes but is not limited to:

- Imposturous Registration or Usage; registering a .WHOSWHO domain name that is associated with any person other than the individual making the registration whether for the purpose of creating a fan, protest or parody site, or “parked” and therefore lacking clarifying content, or which fosters confusion among Internet users through content implying that the domain is affiliated with other than the domain holder. Imposturous registration and/or usage of a .WhosWho domain is justification uniform rapid suspension (URS) and takedown of that domain.
- Phishing; attempting to defraud and defame Internet users via masquerading as a known website, with the intent to steal or expose credentials, money or identities.
- Domain Name or Domain Theft; changing the registration of a domain name without the permission of its original registrant.
- Botnet Command and Control; running services on a domain name to control a collection of compromised computers or “zombies,” or to direct Distributed Denial of Service attacks (“DDoS attacks”)
- Distribution of Malware; the creation and/or distribution of “malicious” software designed to infiltrate a computer system, mobile device, software, operating infrastructure, and/or website, without the owner or authorized party’s consent. Malware includes, without limitation, computer viruses, worms, keyloggers and trojan horses.
- Fast Flux Attacks / Hosting; the sheltering of phishing, pharming and malware sites and networks from detection, and the frustration of methods employed to defend against such practices, whereby the IP addresses associated with fraudulent sites are changed rapidly so as to make the true location of the sites difficult to find.
- Hacking; the attempt to gain unauthorized access (or exceed the level of authorized access) to a computer, information system, user account or profile, database, or security system.
- Pharming; the redirecting of Internet users to websites other than those the user intends to visit, usually through, but not limited to, unauthorized changes to the Hosts file on a victim’s computer or DNS records in DNS servers, or DNS hijacking or poisoning.
- Spam; the use of electronic messaging systems to send unsolicited bulk messages. The term applies to email spam and similar abuses such as instant messaging spam, mobile messaging spam, and spamming of websites and Internet forums.
- Piracy; the unlicensed publication, display and/or dissemination of any material that infringes the copyrights of any person.
- Counterfeiting; the sale and advertising of illegal goods, including without limitations, goods that infringe the trademarks of any party.
- Child Pornography; the storage, publication, display and/or dissemination of pornographic materials depicting individuals under the legal age in the relevant jurisdiction. Alternatively, no website hosted on any .WHOSWHO domain may be used in a way as to mislead or deceive

minors into viewing sexually explicit materials, whether in violation of a governing law or otherwise.

- Pornography; the storage, publication, display and/or dissemination of pornographic materials of any type is specifically proscribed on any .whoswho domain. Where any question arises as to what constitutes pornographic materials, the decision of the registry will unilaterally prevail. [NOTE: The registry will not entertain arguments of what constitutes pornography versus art, and in lieu directs prospective registrants to the gTLDs for pornography/adult (.XXX) and for art (.ART), with prophylactic recommend that the appropriate choice of gTLD may avoid any contention in the future.]

Further abusive behaviors include, but are not limited to: cybersquatting, front-running, gripe sites, deceptive and/or offensive domain names, fake renewal notices, cross- gTLD registration scam, name spinning, pay-per-click, traffic diversion, false affiliation, domain kiting / tasting, fast-flux, 419 scams or if the domain name is being used in a manner that appears to threaten the stability, integrity or security of the Registry, or any of its Registrar partners and/or that may put the safety and security of any registrant or user at risk.

Abuse Point of Contact

All complaints should be addressed to: abuse@nic.whoswho

Policy Purposes

The Registry reserves the right, in its sole discretion and without notice to any other party, to take appropriate actions (whether administrative, operational or otherwise) to:

- Protect the integrity and stability of the Registry;
- Comply with any applicable laws, government rules or requirements, ICANN regulations, requests of law enforcement, or any dispute resolution process;
- Avoid any liability, civil or criminal, on the part of Registry as well as its affiliates, subsidiaries, officers, directors, and employees;
- Comply with the terms of the registration agreement, the Registry-Registrar Agreement, the Registry Agreement, or any other binding commitments, whether written or otherwise;
- Correct mistakes made by the Registry or any Registrar in connection with a domain name registration;
- Allow for the resolution of a dispute of any sort whether or not the dispute appears to be unmerited or unsubstantiated;
- Respond to complaints of abusive behavior on websites hosted on .WhosWho domains; or
- Otherwise implement the Acceptable Use Policy.

Actions The Registry May Take

To enforce this Acceptable Use Policy, including responding to any prohibited activities or to effectuate the policy purposes described above, the Registry may take actions including but not limited to:

- Conduct an assessment to determine whether any alleged abusive or otherwise harmful behavior violates the Registry's policies, applicable laws, or ICANN regulations;
- Lock down a domain name preventing any changes to the contact and name server information associated with the domain name;
- Place a domain name "on hold" rendering the domain name non-resolvable or prohibiting transfer of the domain name to another Registrar;
- Substitute name servers in cases in which the domain name is associated with an existing law enforcement investigation in order to collect information about the DNS queries and, when appropriate, to share information with law enforcement to assist the investigation;
- Cancel or transfer or take ownership of any domain name, either temporarily or permanently;
- Deny attempted registrations from repeat violators (see the section on Disqualification of Registrants below);
- Use relevant technological services, whether our own or third party, such as computer forensics and information security; and
- Share relevant information on abuse with other registries, Registrars, ccTLDs, law enforcement authorities (i.e., security professionals, etc.) not only on abusive domain name registrations within its own gTLD, but also information uncovered with respect to domain names in other registries to enable such parties to take appropriate action.

The Registry may also take preventative measures at its sole discretion including (without limitation):

- DNSSEC deployment which reduces the opportunity for pharming and other man-in-the-middle attacks;
- Removal of orphan glue records; and
- Place upon registry lock, hold or similar status a domain name during resolution of a dispute.

Dispute Resolution Alternatives

The Registry is not bound to adjudicate any dispute between parties and cannot and does not accept any responsibility for any loss or damage a domain name registrant or anyone else may suffer as a result of any action or omission by us or by anyone else under this Acceptable Use Policy.

Any abuse-related issues with which the Registry is unable to assist should be resolved through an appropriate dispute resolution forum. In such circumstance, the Registry will act following provision of:

- The final determination of an internationally recognized dispute resolution body or a court of law, resolving the inter-party dispute or otherwise mandating the Registry's action;
- Any requirement of ICANN or other recognized authority which demands action or response; or

- In the case of a wrongful transfer of a domain name, a registrant may also provide written agreement of the Registrar of record and the gaining Registrar sent by email, letter or fax that the transfer was made by mistake or procedural error or was unauthorized.

All notices under this section should be served by mail to:

WHO'S WHO REGISTRY
Ms. YEE Wai Tai, ADMIN. DEPT.
SUITE 5501, 55th FL, CENTRAL PLAZA
18 HARBOUR ROAD
WAN CHAI, HONG KONG
REGISTRY@WHOSWHO.COM

Anyone acting under this section is responsible for all costs, fees, damages and other expenses relating to any such action, including any actions the Registry is required to take.

Disqualification of Registrants

Registrants, their agents or affiliates, determined by the Registry, in its sole discretion, to have repeatedly engaged in abusive, malicious or illegal conduct may be disqualified from maintaining any registrations or making future registrations of .WhosWho domain names.

In addition, name servers that are found to be associated with fraudulent registrations may be added to a local blacklist and any existing or new registration that uses such fraudulent NS record may be investigated.

Following disqualification of a registrant, the Registry may cause such registrant's .WhosWho domain names to resolve to a page noting that the domains have been disabled for abuse-related reasons.

Representations by Registrants

By registering a domain name in .WhosWho:

- The Registrant represents and warrants that current, complete, and accurate information has been provided in connection with its Registration, and that Registrant will correct and update this information to ensure that it remains current, complete, and accurate throughout the term of any resulting Registration or Reservation. The Registrant's obligation to provide current, accurate, and complete information is a material element of this Agreement, and the .WhosWho Registry Operator reserves the right to immediately deny, cancel, terminate, suspend, lock, or transfer any Registration if it determines, in its sole discretion, that the information is materially inaccurate;

- The Registrant consents to the collection, use, processing, and/or disclosure of Registrant's personal information in the United States and in accordance with the .WhosWho Privacy Policy posted on the .WhosWho website at domains.whoswho/policies#privacy ;
- The Registrant agrees to submit to proceedings commenced under the Uniform Dispute Resolution Policy ("UDRP"), and the Uniform Rapid Suspension ("URS") service. Registrant further agrees to abide by the final outcome of any of those processes, subject to any appeal rights provided in those processes or the law, and hereby releases the .WhosWho Registry Operator, its affiliates and service providers from any and all direct or indirect liability associated with such dispute resolution processes;
- The Registrant acknowledges that the .WhosWho Administrator reserves the right to deny, cancel or transfer any registration or transaction, or place any domain name(s) on registry lock, hold or similar status, that it deems necessary, in its discretion if it reasonably concludes that the domain name is being used in a manner that appears to (i) conflict with this Policy, (ii) threaten the stability, integrity or security of the .WhosWho TLD, the DNS or the global Internet, or any of its registrar partners and/or (iii) put the safety and security of any registrant or user at risk. The process also allows the Registry to take proactive measures to detect and prevent criminal conduct or cybersecurity threats.
- The Registrant agrees to indemnify to the maximum extent permitted by law, defend and hold harmless the .WhosWho Registry Operator, its affiliates and service providers, and each of their respective directors, owners, officers, employees, contractors, and agents, from and against any and all claims, damages, liabilities, costs and expenses, including reasonable legal fees and expenses, arising out of or relating to the Registrant's use, operation, Registration of any name and/or website in the .WhosWho .

The .WhosWho Registry Operator reserves the right to modify, change, or discontinue any aspect of its services, agreements, of this Acceptable Use Policy.

From: <http://domains.whoswho/policies#TOAU>

Date: 01 February 2015