

.MOSCOW and .MOCKBA Anti-Abuse Policy [Version 1.0 of 30 Apr 2014]

This .MOSCOW and .MOCKBA Anti-Abuse Policy ("Policy") lists potential abuse and violations related to registration and use of second-level domain names in the .MOSCOW and .MOCKBA TLDs, as well as terms and conditions for countermeasures against such abuse and violations.

This Policy does not replace the Uniform Dispute Resolution Policy (UDRP) or recourse to the Commercial Court of Moscow under the laws of the Russian Federation.

The purpose of this Policy is to prevent and suppress abuse and violations in the use of registered .MOSCOW and .MOCKBA domain names, including illegal, malicious, fraudulent, or otherwise harmful use of domain names.

This Policy does not apply to claims/complaints of rights holders regarding domain names that match trademarks / service marks, trade names, appellations of product origin, or other means of individualization and other intellectual property of rights holders.

Since legislation provides a special procedure for suspension of electronic mass media outlets, this Policy does not apply to claims/complaints regarding domain names used by duly registered electronic mass media outlets. The Registrant shall timely notify the domain name Registrar if Website using such domain name is registered as an electronic mass media outlet. Complaints regarding such domain names shall be submitted to the Federal Service for Supervision of Communications, Information Technology, and Mass Media: <http://eng.rkn.gov.ru/mass-communications/control-smi/> (for Russian mass media outlets), or to any other applicable authority (for non-Russian mass media outlets).

Terms used herein are defined in the Terms and definitions used for the registration of second-level domain names in .MOSCOW and .MOCKBA, as published on the official website of the Foundation for Assistance for Internet Technologies and Infrastructure Development at the section "Documents" at: <http://en.faitid.org/projects/moscow/documents>

1. General Provisions

1.1. By registering and using a domain name, Registrant acknowledges and confirms its agreement with all the Policies published on Registry Operator's website at: <http://en.faitid.org/projects/moscow/documents>.

1.2. If Registrant violates any restrictions set forth by this Policy or fails to comply with any terms and conditions set forth in any Policies, Registry Operator will consider it an abuse and/or violation. Registry Operator may unilaterally assess the activities of Registrant with respect to any violations of the laws, including when definition of such activities is not formalized in regulatory instruments.

1.3. If the Registry Operator finds any abuse or violations by the Registrant in registration or use of its domain name, the Registry Operator may impose sanctions listed in clause 4.1 hereof on such domain name.

1.4. If the Registrar finds any abuse or violations by the Registrant in registration or use of its domain name, the Registrar may impose sanctions listed in clause 4.2 hereof on such domain name.

2. Forbidden Uses of a Domain Name

2.1. The Registrant may not use its domain name to engage in any activities prohibited under the laws in effect in the Russian Federation, including distribution and advertising of pornographic materials, pursuing any extremist actions, as well as any activities running counter to public interests or the principles of humanity and morality, or offending the human dignity or religious feelings, etc.

Registry Operator and/or Registrar may unilaterally assess the activities of the Registrant with respect to any violations of the laws, including when definition of such activities is not formalized in regulatory instruments.

2.2. Registrant may not use its domain name for:

2.2.1. deliberate distribution, provision, and/or advertising of malicious software and/or addressing to such software (including any redirection);

2.2.2. organizing any activities facilitating distribution of malicious software, or organizing and/or directing mass network attacks (botnets);

2.2.3. addressing to web pages intended for phishing — attempting to acquire sensitive information of Internet users, including, without limitation, personal data, banking details, usernames, and passwords, by masquerading as a trustworthy entity;

2.2.4. performing fraudulent activities;

2.2.5. performing any other activities aimed to disrupt normal operation of Internet elements not owned by domain name Registrant.

2.3. Registrant may not use its domain name for distribution of unsolicited bulk messages or for performing actions facilitating such distribution, including, but not limited to:

a) mass distribution of unsolicited messages related to the use of domain name through email and other messaging systems; mass distribution means both distribution to multiple recipients and multiple distribution to one recipient;

b) distribution of unsolicited emails and other messages of promotional, commercial or propagandistic nature, as well as messages containing information running counter to public interests or the principles of humanity and morality (such as profane language, appeals for violence, subversive extremist activity, overthrowing of a government, slogans of anti-humane nature insulting human dignity or religious sentiments, .etc);

c) distribution of e-mail addresses or other message delivery services databases (except for the cases when owners of all addresses included in such a database explicitly expressed their consent for inclusion of addresses in this database and distribution of the database, at that open publication of the address cannot be considered an agreement);

d) distribution of software for technical implementation of activities described in subclauses (a,b,c,) of this clause and in clause 2.2;

e) distribution of messages not meeting the following requirements:

- an email address may only be included in the mailing list at the will of the owner of such address;
- an email address must be easily deleted from the mailing list at the will of the owner of such address.

2.4. The Registrant may not register and/or use domain names in order to damage hardware or software of the Registry Operator, disrupt operation of the Registry or its components, and perform any other actions interfering with proper functioning of the .MOCKBA and .MOSCOW Registry.

2.5. The Registrant may not use its domain name to publish, distribute, provide, disclose links to other websites containing materials listed in clause 2.1 hereof and/or performing or facilitating activities listed in clauses 2.2—2.4 hereof.

2.6. The Registrant may not register and/or use domain names visually similar to domain names included in one of the Lists of Reserved Domains pursuant to the .MOCKBA/.MOSCOW Reservation Policies, including, without limitation, when some characters are written in lower- and upper-case, and/or when letters are replaced with digits, if such registration, in Registry Operator's judgment, may be misleading regarding the website owner and facilitate activities running counter to public interests.

2.7. In other cases, the Registrant may use its domain name at its own discretion in any way not contrary to the laws in effect in the Russian Federation, unless otherwise provided for by the Terms and Conditions and Policies published on Registry Operator's website at the section "Documents".

3. Procedure for Finding Abuse and Violations

3.1. The Registry Operator may at its own discretion, at any time, and with any frequency randomly check .MOSCOW and .MOCKBA domain names in order to monitor the use of such domain names by their Registrants regarding compliance with the Terms and Conditions, exhibits thereto, and this Policy without notifying domain name's Registrant and Registrar.

3.2. The Registry Operator may check .MOSCOW and .MOCKBA domain names after receiving complaints from third parties regarding Registrant's violation of the terms and conditions set forth by the Terms and Conditions, exhibits thereto, and this Policy without notifying domain name's Registrant and Registrar.

3.2.1. Complaints may be submitted to Registry Operator by anyone in any form using one of the following means of communication:

- Via email at: abuse.contact@faitid.org
- Via postal service at: 3 Khoroshyovskaya, 2 s. 1, Moscow, 123308, Russian Federation
- Via fax at: +7 (495) 737-57-62

3.2.2. Complaints must be written on behalf of a Complainant, reference a specific .MOCKBA or .MOSCOW **domain name**, contain the **essence of complaint** (including a reference to the provision of the Terms and Conditions, exhibits thereto, and this Policy, which is violated by Registrant, in Complainant's judgment), other information that may help Registry Operator to determine the fact of abuse and violation, and **Complainant's email address**. If a complaint is from an individual, its text must include **Complainant's consent for processing of its personal data by Registry Operator or any third party engaged by Registry Operator, for disclosure of such data through mass media or telecommunications networks, or for providing access to such data for the general public by any other means**.

3.2.3. The Registry Operator shall notify Complainant on the result of complaint review via email within sixty (60) calendar days after receiving such a complaint. If the Complainant does not provide its email address in its complaint, the Registry Operator is entitled not to notify the Complainant on the result of complaint review.

3.2.4. The Registry Operator may at its own discretion engage third parties to review complaints pursuant to this Policy.

3.2.5. The Registry Operator will not review complaints in the following cases:

- there is no reference to a domain name;
- the domain name is written incorrectly, including typos, domain names with www, domain names without top-level domains, etc.;
- the essence of the complaint is unclear from its text;
- the domain name listed in the complaint is not registered in .MOCKBA or .MOSCOW;
- the domain name listed in the complaint is nonexistent;
- in other cases that are, in the Registry Operator's judgment, likely to hinder objective review of the complaint.

The Registry Operator shall notify the Complainant via email about the complaint review rejection within seven (7) calendar days after receiving such a complaint. If the complaint does not contain the Complainant's email address, the notice will not be provided.

3.3. The Registry Operator may reject to review a complaint if such a complaint is identical to any other complaint submitted previously by the same Complainant or any other party. The Registry Operator shall notify the Complainant via email about the complaint review rejection within seven (7) calendar days after receiving such a complaint.

3.4. The Registrar and the Registrant may not develop and implement any technological or software tools preventing the Registry Operator from monitoring and checking domain names.

4. Procedures That May Be Implemented After Finding Abuse and Violations

4.1. After finding abuse and/or violations in registration and use of second-level .MOSCOW and .MOCKBA domain names, the Registry Operator may:

4.1.1. block the domain name (forbid any actions with such a domain name and suspend the domain name delegation);

4.1.2. notify the Registrant and the Registrar via email about the reasons for such blocking and give the Registrant thirty (30) calendar days to cure the violation, provided that:

- after curing the violation, the Registrant must notify the Registry Operator thereof via email until the expiration of such period;
- if the Registrant disagrees with the reasons for blocking, the Registrant must submit to the Registry Operator its categorical objection, with supporting evidence, via email before the expiration of such period;

4.1.3. after receiving from the Registrant information on curing violations, the Registry Operator checks if it is true. If this is the case, the Registry Operator will unblock the domain name and notify the Registrant and the Registrar thereof via email;

4.1.4. after receiving from the Registrant its categorical objection, with supporting evidence, the Registry Operator will review the objection. If after such a review the Registry Operator finds that there are no grounds for considering the Registrant's actions for abuse and/or violation, the Registry Operator will unblock the domain name and notify the Registrant and the Registrar thereof via email;

4.1.5. If the Registrant does not cure the violations or does not provide enough of supporting evidence for confirming there is no abuse and/or violation, the Registry Operator may cancel the domain name registration and notify the Registrant and the Registrar thereof via email;

4.2. After finding abuse and/or violations in registration and use of second-level .MOSCOW and .MOCKBA domain names, the Registrar must:

4.2.1. block the domain name (forbid any actions with such domain name and suspend the domain name delegation);

4.2.2. within 24 hours after blocking the domain name, notify the Registry Operator about the reasons for blocking, using means of communication specified in the .MOSCOW and .MOCKBA Registry-Registrar Agreement. Registry Operator then will perform actions listed in clauses 4.1.2—4.1.5 hereof.

5. Final Provisions

5.1. All information related to complaints from third parties, checks of domain names, results of such checks, sanctions imposed on domain names because of abuse and/or violations in registration and use of .MOCKBA and .MOSCOW domain names shall be stored by Registry Operator for three (3) years and may be provided in accordance with the laws of the Russian Federation.