

PRIVACY AND WHOIS POLICY

Preamble:

This Privacy and Whois policy is to be read together with the Registry-Registrar Agreement. The Parties agree that words and phrases used in the Whois Policy shall have the same meaning than attributed in the Registry-Registrar Agreement unless otherwise specified.

By registering an .OVH TLD, the Registrant authorizes the Registry to process and store personal and other data required to implement the .OVH TLD domain name system.

For the avoidance of doubt, a personal data shall be defined as follows: a data relating to a living individual who is or can be identified either from the data or in conjunction with other information that is in, or is likely to come into, the possession of the data controller.

The purpose of this Policy is to explain how the Registry will collect, use and protect personal data in the context of the Registry services provided to Registrar.

The Registry must ensure that any personal data collected and used by its Registry activities is collected and used in the respect of national and European laws and regulation and those countries deemed by the EU and others to provide "adequate" or "equivalent" protections. The Registry is committed to ensuring that any personal data supplied by the Registrar and through the Registrar, the Registrant, and more generally, any personal data generated by its business activities is collected and processed fairly and lawfully.

By registering a .OVH TLD or visiting a website owned or operated by the Registry, the Registrant expressly consent to the collection, use, processing and transfer/disclosure of information about him in accordance with the terms of the Privacy and Whois Policy.

Article 1. Thick Whois

The Registry will include a thick searchable Whois database both accessible on port 43 as well as on port 80 (http) as required in Specification 4 of the Registry Agreement.

Article 2. .OVH Whois

Upon registration of a domain name and formation of an agreement between Registrant and either the Registry or a Registrar, the Registry may collect and use information and other data required to operate the domain name system or as otherwise required by ICANN.

The Registrant is informed that the Registry may use agents and contractors in order to help the Registry. By accepting this policy, the Registrar and, through it, the Registrant expressly consents to the sharing of his data with Registry's affiliates, agent, contractor and any person who would have a need to know, collect or use your personal data.

The Whois service is a standard feature of domain name systems, and offers domain name and Registrant data available for members of the public to view or use. The purpose of the Whois service is to allow users to query a domain name to find out the relevant contact information associated with the domain.

The Registry, through the Whois, shall collect all information, mentioned in Specification 4.

Article 3. Collection of data

The Registry, through the Registrar, will collect all Registrant data required by Specification 4 of the Registry Agreement with ICANN and strictly necessary to the Registry Services.

The Registry and the Registrar may contact the Registrant (by any way agreed in the agreement between the registrant and the registrar), via a request for information form or otherwise to collect information deemed necessary by the Registry and in its sole discretion for the purpose of the Registry Services and in accordance with the Registry policies.

Article 4. Use, Disclosure and retention of data

The Registry will maintain a publicly accessible database, the Whois, which provides mandatory information, as mentioned in Specification 4 of the Registrar Accreditation Agreement. The Registrant shall be informed by Registrar about the impossibility to block all access to the Registrant data present in the Whois database.

The Registry will provide Registrant personal data as necessary to its services providers (including resellers and any person relating to the Registry Services), legal services (prevention, regulatory or law enforcement/requirements), accounting, delivery, installation, billing, technical support, Trademark Clearinghouse and each services acting on behalf of Trademark Clearinghouse, fraud detection and prevention. More generally, Registry and Registrar may disclose Registrant personal data in case of any solicitation by authority under law, rule or regulation.

The Registry will also offer Registrant data to ICANN and under a zone file access request in accordance with Specification 4 of the Registry Agreement or zone file access policies.

Any third party who should have a need to know the personal data will be prohibited from retaining, sharing, and more generally from using the personal data for any purpose different from the Registry and above mentioned ancillary services. The Registrant is informed by the registry and the registrant that, even if third party are prohibited from using the personal data in an unlawful purpose, they can however use cookies, in the respect of law and regulations.

Article 5. Disclaimer of warranties

Registry shall not be responsible for any misuse of personal data by a third party, provided that Whois is a public domain and is globally searchable.

Registry shall nor be responsible with any unauthorized access leading to a security failure in the Whois database, as a result of unauthorized acts by third parties that violate applicable law or the Registry's policies.

In no case, shall Registry be liable for any misuse of any necessary information in the Whois basis.

Registrar and, through the Registrar, the Registrant are informed that all websites hosted on .OVH TLD may be scanned for viruses, malware, phishing activities, browser exploits, and other behaviors or code posing a security threat to any of (i) the websites; (ii) website users; or (iii) the .OVH TLD. In addition, all websites hosted on a .OVH TLD may be scanned for content that suggests the presence of child abuse images or that is intended to appeal to pedophiles. Such monitoring may involve the incidental collection of personal data and details by our service providers.

The Registry will also cooperate with law enforcement agencies regarding any allegations of abuse or

violation of system or network security as set out in the Registry's Acceptable Use and Takedown Policy.

Article 5. Updating of data

The Registrant data will be communicated by the Registrar. In the case that Registrant wishes to access, update, rectify or delete his/her personal data, the Registrant shall contact the Registrar.

If Registrar fails to answer or to take any appropriate corrective action in the timelines required, Registrant can contact the Registry directly by all manner agreed in the Registrant agreement. The Registrant shall conform to the Registrar's rules in the order to the verification of his/her identity.

The Registrant acknowledges and accepts that the deactivation of the Registrant account shall not mean that Registrant personal data are deleted from Registry's Whois database.

Article 6. ICANN requirements

The Whois data will be held by the Registry in accordance with its Registry Agreement.

The Registry and Registrar will also comply with all the security, Whois, and privacy requirements required by ICANN whether in the Consensus Policies and Temporary Policies (as defined in the Registry Agreement) or elsewhere.

Article 7. Security and privacy considerations

The Registry will take reasonable steps to maintain the security and privacy of information or data that it may collect in connection with the planned function and usage of domain names.

The Registry will comply with all confidentiality and security regulations in its jurisdiction of residence.

The Registry has further ensured that its suppliers will take all reasonable measures to maintain the security and privacy of information collected from the Registry.

Article 8. The Registry's efforts to promote and to improve Whois Accuracy

The Registry or its outsourced service providers may occasionally review, at their discretion, a random sampling of domain names within the .OVH TLD to test the accuracy and authenticity of the Whois information.

The Registry may examine the Whois data for evidence of inaccurate or incomplete Whois information. If such errors or missing information exist, notice shall be forwarded to the relevant Registrar, who shall be required to address these deficiencies with the relevant registrants.

All Registrants are required to provide accurate Whois contact details, and to keep those details current.

Pursuant to all ICANN and Registry policies, the Registrar may access the Whois information at any time, and make amendments where errors exist or to maintain accuracy.

The Registrant must immediately update Whois information following any change in name, address, e-mail address, telephone, fax numbers or other required data. An omission or delay in amending

such information or informing the Registry of such changes may result in locking or seizure of your domain name(s).

Article 9. Correcting errors

The Registrant's first point of contact for correcting any Whois error is the Registrar. The Registrar has to accept written complaints from a Registrant or any third party regarding false and/or inaccurate Whois data which the Registrar is required to investigate and correct in accordance with its guidelines.

In case the Registrar fails to take any appropriate action to implement the updating, the Registrant can contact the Registry, to the address below-mentioned.

Article 10. Whois Terms of Use

The Registrar, and, through the Registrar, the Registrant, agree that the Whois data will be used only for lawful purposes and that under no circumstances will the Whois data be used to:

(a) allow, enable, or otherwise support the transmission by e-mail, telephone, or facsimile of mass unsolicited, commercial advertising or solicitations to entities other than the data recipient's own existing customers; or

(b) enable high volume, automated, electronic processes that send queries or data to the systems of the Registry, its registry service provider, or a registrar, except as reasonably necessary to register domain names or modify existing registrations.

Article 11. Transfer of data

As a holder of worldwide company, the Registry may transfer personal data to any officers and employees of the OVH group who would have a need to know the Registrant personal data in order to perform the services. For the avoidance of doubt, is considered as a Registry's affiliate, any company or other form of business organization, which is owned or controlled by the Registry, directly or indirectly, by more than fifty (50) per cent of the voting shares.

In any case, the said agents shall collect and use the data in accordance with the above mentioned laws and regulations.

Although some countries does not offer the same data protection, the solutions used must be adequate or equivalent with the required standards of the privacy laws.

Article 12. Contact details:

All notices (including but not limited to access deletion, updating the registrant personal data...) under this section should be served by mail to:

OVH SAS
Legal Department
2 rue Kellermann
59100 Roubaix
France

Or by electronic mail: abuse@nic.ovh.

Article 13. Policy Review and update

The Registry may modify this Privacy and Whois Policy from time to time in order to comply with applicable laws and terms and conditions set forth by ICANN and/or any authority. Any revisions or modifications to this Privacy and Whois 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. Registrar is invited to check the Privacy and Whois policy from time to time in order to implement any modification.