

## Annex 2 – Acceptable Use Policy

*This policy is to be read together with the General Terms & Conditions and words and phrases used in this policy have the same meaning attributed to them in the General Terms & Conditions unless otherwise specified or the context clearly otherwise requires.*

The Registry is committed to maintaining the .amsterdam space as a safe, secure online environment. A key component of this commitment is the prevention of malicious, illegal or fraudulent use of Domain Names and limiting the potential for significant harm to Internet users. This part of the Terms & Conditions is intended to supplement the policies mandated by ICANN allowing the Registry and its Accredited Registrars to investigate and to take swift action in case of abusive use and to deter Registrants from engaging in illegal or fraudulent use of Domain Names in the .amsterdam gTLD. The Registrant may only use a Domain Name for lawful purposes. The applicable law at the domicile of the Registry, excluding references to foreign law under the principles of private international law, applies for the assessment of the lawfulness of the Domain Name itself or its usage.

Abuse in the context of this Policy shall be defined as an action that may cause or actually cause substantial harm, or is a material predicate of such harm, or is illegal, illegitimate, or otherwise contrary to this Policy, including, but not limited to, the following:

- a. Registration of a Domain Name using incorrect or out-of-date whois information, or not correcting any information that has become incorrect or out-of-date within the shortest delay;
- b. Use of a Domain Name to defraud or attempt to defraud or to fraudulently mislead any third party;
- c. Use of a Domain Name or attempt to use a Domain Name to cause confusion of affiliation to members of the public or certain target audiences regarding the Internet service of public agencies of the local authority in The Netherlands or the City of Amsterdam, its subordinated departments and local agencies in The Netherlands or the City of Amsterdam, for example through abbreviations, re-combinations, variations of misspellings (including IDNs), modifications of terms with amendments or with separation of terms through punctuation or other modifications of terms of the public administration in The Netherlands or the City of Amsterdam;
- d. Use of a Domain Name or attempt to use a .amsterdam Domain Name which is contrary to the public safety or order (in particular domains violating criminal law, domains which glorify violence, racist domains, domains causing sedition, domains being harmful to young persons, offensive domains, insulting domains or domains contrary to common decency) or which endangers the reputation of The Netherlands or the City of Amsterdam;
- e. Use of a Domain Name to distribute or publish hateful, defamatory, extremist or derogatory content based on racial, ethnic, or political grounds, intended or generally able to cause or incite injury, damage or harm of any kind to any person or entity (e.g., a “hate page”);
- f. Use of a Domain Name to publish content threatening or invading the privacy or property rights of a third party;
- g. Use of a Domain Name to publish content that infringes the trademarks, copyrights, patent rights, trade secrets or other intellectual property rights, or any other legal rights of the Registry or any third party, or any action infringing on the named rights;
- h. Violation of any applicable local, state, national or international law or regulation by use of a Domain Name;
- i. The confusing use of a 2-character domain name that corresponds to a country code as described in the ISO3166 alpha2 standard with the corresponding country code

- j. The use of a Domain Name for ridiculing, defaming or otherwise negatively impacting the public opinion on the Registry and/or the kingdom of The Netherlands, the City of Amsterdam or use of a Domain Name to cause harm to the reputation of the kingdom of The Netherlands, the City of Amsterdam, or to its people;
- k. Use of a Domain Name for the promotion, involvement in or assisting in illegal activity of any kind, as well as the promotion of business opportunities or investments that are not permitted under applicable law;
- l. Advertisement or offer for sale of any unlawful goods or services in breach of any national or international law or regulation under the Domain Name;
- m. Use of a Domain Name to contribute to the sale or distribution of prescription medication or controlled substances without a valid prescription as well as the sale and distribution of unlicensed or unapproved medications;
- n. Distribution of child pornography or other content depicting minors engaged in any activity of a sexual nature or which may otherwise harm minors or making child pornography accessible under a Domain Name;
- o. Use of a Domain Name to distribute sexually explicit material without sufficient age verification, thereby allowing minors to view such content without appropriate barriers;
- p. Any use of or advertisement for a Domain Name in connection with unsolicited commercial messages (spam) in any form, including through e-mail, instant messaging, mobile messaging, or the spamming of websites or internet forums, as well as advertising for a Domain Name through spam;
- q. Use of a Domain Name for the initiation or intentional participation in (distributed) denial-of-service attacks (DDoS attacks);
- r. The use of a Domain Name in phishing activities, tricking internet users into divulging personal data such as usernames, passwords, or financial data, or by impersonating or misrepresenting itself as a third party service, government official or institution;
- s. The use of a Domain Name in pharming, such as DNS hijacking and poisoning;
- t. The use of a Domain Name for the intentional distribution of spyware, botware, keylogger bots, viruses, worms, trojans or other forms of malware;
- u. The use of a Domain Name in unauthorized fast flux hosting, disguising the location of internet addresses or internet services. Fast flux hosting may only be used with prior permission of the Registry;
- v. The use of a Domain Name to command and control botnets, i.e. a network of compromised computers;
- w. The use of a Domain Name in activities intended to gain illegal access to other computers or networks (i.e. hacking), as well as any activity to prepare for such system penetration;
- x. The commercial use of a Domain Name to provide third-level Domain Name registrations to independent third parties, i.e. parties other than the Registrant;
- y. The registration or use of a Domain Name in violation of any other Registry Policy.

The Registry reserves the right, but is by no means obliged, to deny, cancel or transfer any registration or to place any Domain Name(s) on permanent or temporary Registry lock, hold or similar status, to determine that such Domain Name(s) is (are) Blocked Name(s), or take any other action that it deems

reasonably necessary, in its sole discretion either directly or through the issuing of a request to an Accredited Registrar:

- a. to protect the integrity and stability of the TLD and or prevent/the abuse of any Domain Name
- b. to prevent further violation of this Policy by the use of the Domain Name;
- c. to comply with any applicable laws, government rules or requirements, court orders, requests of law enforcement of appropriate jurisdiction, or any dispute resolution process;
- d. to avoid any liability, civil or criminal, on the part of the Registry, as well as its affiliates, subsidiaries, officers, directors, and employees;
- e. per the terms of the Registry Agreement; or
- f. to correct mistakes made by the Registry or any Accredited Registrar(s) in connection with a Domain Name Registration.

The Registry further reserves the right, but is by no means obliged, to place a Domain Name under Registry lock, hold or similar status during resolution of an investigation or dispute without notice in case the sponsoring Accredited Registrar does not take action within a time period indicated by the Registry or if necessary to prevent significant or immediate harm to internet users or if required to adhere to applicable law and regulations.

The Registry further reserves the right to place a domain under Registry lock, hold or similar status in case the use of another domain registered by the same Registrant was placed under Registry lock, hold or similar status for violations of this Policy.

### **Liability**

Any Registrant shall hold the Registry harmless from claims filed or disputes initiated by third parties, and shall compensate the Registry for any costs or expenses incurred or damages for which they may be held liable as a result of any third party taking action against the Registry on any of the grounds contained in this Policy. Furthermore, the Registrant acknowledges and accepts that it shall not hold Registry liable for any action, including but not limited to the suspension or revocation of a Domain Name, taken on the basis of this Policy.

### **Reporting of Abuse**

Registry maintains an abuse contact at [abuse@nic.amsterdam](mailto:abuse@nic.amsterdam) to receive reports of abuse involving registered names in the TLD, including reports of illegal activity. All abuse reports received by the abuse point of contact will be tracked internally in a ticketing system to ensure accountability and ease of reference, and a tracking number will be provided to the reporter. Each report will be reviewed and evaluated regarding its credibility, to determine whether the reported issue is an abuse concern and to assess the required action(s), if any. The Registry will then work in cooperation with the sponsoring Accredited Registrar to rapidly address identified threats or confirmed abuse complaints, investigate all reasonable complaints, and take any appropriate action(s) thereto.

As standard practice, the Registry will forward all credible and actionable reports, including the accompanying evidence, if any, to the sponsoring Accredited Registrar, with a request to investigate the issue further and to take appropriate action. The sponsoring Accredited Registrar has a direct relationship with the Registrant and therefore possesses further information not available to the Registry operator, such as payment details, sales history, and information on further registrations of the customer, reseller data (if applicable) and other specific data unique to the customer. In case the Accredited Registrar determines in the course of the investigation that the use of the Domain Name violates the

applicable terms of use, ICANN Policies or this Policy, the Accredited Registrar is required to take action within reasonable time.

The Registry further reserves the right to act directly and immediately in cases of obvious and significant malicious conduct.

The Registry will implement all valid court orders or seizure warrants from courts, arbitration tribunals, or law enforcement agencies of applicable jurisdictions, provided the court orders and seizure warrants are enforceable at the domicile of the Registry. The Registry will work closely together with law enforcement agencies if necessary and provide them with an additional, fast track access to the abuse point of contact.