

## J. Written Policies

NeuStar has developed, implemented and currently enforces eight specific written policies that protect the integrity and reliability of the usTLD. We are proud of our work over the last six years and we will continue our diligent oversight to protect the usTLD from the myriad problems now negatively impacting so many other TLDs.

As the usTLD Administrator for the past six years, NeuStar was afforded a unique opportunity to redefine the legacy, loosely-managed hierarchical space and make it the unique, policy-rich government asset that it is today.

Although other entities entrusted with such a great responsibility could have easily opted for a less rigorous policy and enforcement regime, choosing instead to irresponsibly grow the space by catering to domain speculators, cybersquatters and domain warehousemen, NeuStar instead chose to act as a trustee of this important United States resource to entice quality registrations into the usTLD.

Proposal Sections J-1 through J-7 below describe each of the main policies (including implementation details) that NeuStar, as the usTLD Administrator, would follow to maintain the integrity of the space which it has cultivated over the past six years. Although many of the policies and agreements were initially developed by NeuStar in close collaboration with the DoC during the current term, there are a number of proposed modifications and new policies that NeuStar recommends to further advance the quality and usefulness of the usTLD.

These policies include, but are not limited to:

A Sunrise Policy for any new expanded usTLD spaces allowing trademark owners to pre-register their trademarks and domain names prior to the opening of the new expanded spaces;

- The usDRP to protect intellectual property owners from the registration or use of a domain name in bad faith;
- The usTLD Nexus Policy requirements intended to preserve the usTLD for use by the community of United States Internet users; and
- Additional policies essential for organizing the locality-based usTLD space, and for developing the expanded usTLD space, including among others (i) a Delegated Manager ("DM") Tool, (ii) DM DNS inspections, (iii) a Ban on Proxy domain name registrations, (iv) a WHOIS Accuracy Program, and (v) the prevention of abusive domain name registration and DNS practices.

### Highlights

- **NeuStar carefully manages eight important written policies that protect the usTLD and the American consumer.**
- **NeuStar's enforcement of unique usTLD policies is an important differentiator among TLD operators – no other registry operator can claim the same levels of oversight or enforcement.**
- **NeuStar will continue to provide diligent oversight and aggressive enforcement of all written usTLD policies and procedures.**



NeuStar looks forward to further developing these policies and programs through its partnership with the Department of Commerce and the U.S. Internet community.

## J.1 Sunrise Policy

*Prior to the launch of the usTLD second-level expanded space in April 2002, NeuStar designed, tested and implemented an unprecedented Sunrise policy and process that helped to protect U.S. Patent and Trademark holders. Our Sunrise solution was roundly hailed as a success and we would certainly utilize the same process in any future launch of a new space in the usTLD.*

As the owner of a large patent, copyright and trademark portfolio, NeuStar believes that the protection of intellectual property assets on the Internet is of fundamental importance to any entity that derives income from their use of its intellectual property. For both the expanded usTLD and kids.us spaces, the protection of intellectual property began with the implementation of a Sunrise process for qualified trademark owners. To date, the Sunrise process implemented in the expanded usTLD space in 2002, and subsequently in kids.us in 2003, was the only process of its kind to launch without any claims of fraud or wrongdoing, and unlike the launches of .info, .mobi or even .eu, the usTLD Sunrise Process was not marred by scandal or controversy. As developments in the expanded usTLD space may necessitate, NeuStar will implement a sunrise period for qualified trademark owners in the same flawless and successful manner.

## HISTORICAL APPLICATION OF SUNRISE IN ENHANCED USTLD AND KIDS.US DOMAINS

### Sunrise Policy and Implementation

In early 2002, NeuStar became the first registry operator to launch a successful authenticated Sunrise process that permitted qualified trademark owners to pre-register their trademarks as domain names in the expanded usTLD space prior to the opening of the expanded usTLD space to the general population. Unlike any other "Sunrise" plans implemented or even proposed before that time, NeuStar validated the authenticity of Trademark applications and registrations with the United States Patent and Trademark Office (USPTO).

Applicants for .us and kids.us domain names during the Sunrise period needed to complete an application process that involved the submission of the standard domain name contact and nameserver information as well as specific information relating to then existing or pending United States trademarks or service marks ("Trademarks"). All domain name applications submitted during the Sunrise periods had to contain the following information:

- Requested domain name(s) (see below on the process for determining eligible domain names;
- Exact trademark;
- Trademark's filing date;
- Trademark's registration date (if applicable);
- Trademark's serial number;
- Trademark's registration number (if applicable);
- The name, address, telephone number, fax number, and e-mail address of the domain name registrant, administrative contact, technical contact and billing representative (*NOTE:*

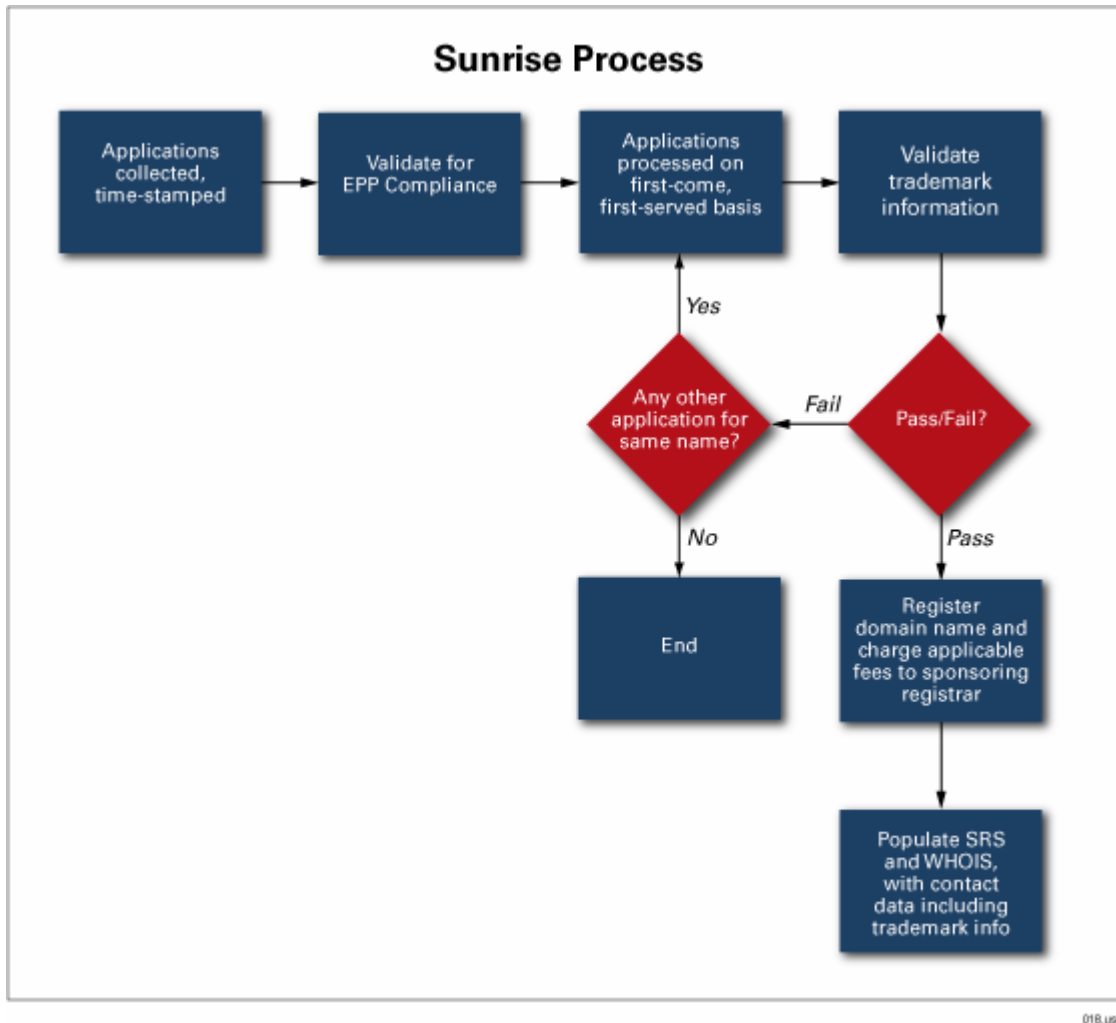
Domain name registrant must be either the current or original owner of the trademark application or registration);

- Assignment recorded? [Yes or No];
- Name, address, telephone number, fax number and e-mail address of a contact person regarding the Sunrise Application;
- Name servers and the IP address for each name server; and
- Confirmation of compliance with usTLD Nexus requirement

Domain names requested in the enhanced usTLD and kids.us spaces during the Sunrise periods had to:

- Exactly match the *textual*, *word* or *numeric* elements of the trademark application or registration on file with the USPTO. Special characters, such as spaces, ampersands, and @ symbols, were eliminated entirely (no space) or replaced with hyphens within a domain name. Additionally, the ampersand optionally needed to be replaced by the character string "AND". For example, for the kids.us Sunrise Process, if you owned a trademark application or registration for:
  - "SMITH & JONES," you could have applied for either
    - i. SMITHJONES.kids.us;
    - ii. SMITH-JONES.kids.us;
    - iii. SMITHANDJONES.kids.us; or
    - iv. SMITH-AND-JONES.kids.us.
- Contain only ASCII characters;
- Contain ONLY alphanumeric characters (letters A-Z, numerals 0-9) and/or hyphens -- no spaces, control characters, etc. were allowed;
- Contain no more than 63 characters (not including the kids.us suffix);
- Not begin or end with a hyphen;
- Not have hyphens in both the third and fourth characters positions; and
- Not have two consecutive "periods".

## Processing of applications



**Exhibit J-1.** NeuStar processes Sunrise applications on a first-come, first-served basis and are tracked throughout the process.

**Submission of applications / tracking numbers**—Sunrise applications were accepted on a first-come, first-served basis. Each Registrar was only allowed to submit one application to the Registry at a time in the specific format specified by the usTLD Administrator (i.e., may only submit one application per e-mail). Upon receipt of the Sunrise application, NeuStar issued a unique tracking number to the Registrar that submitted the domain name application, which will correspond to that particular application. All applications received tracking numbers regardless of whether they were complete or the first applications received for those particular domain names.

**Comparison of trademark information**—The United States Patent and Trademark information provided by the domain name applicant was reviewed by NeuStar for accuracy and to ensure that the information actually corresponded to the actual trademark application or registration data on file with the Patent and Trademark Office. More specifically, NeuStar:

- Performed a look up of the submitted *serial number* (also known as “application number”) in the USPTO database to identify the appropriate trademark record. If the serial number did not exist, or the number did not match the trademark contained in the application, the application was rejected.
- Checked the filing date (also known as the application date) in the USPTO database to determine if both were prior to previously established cut-off date. For example, for the kids.us Sunrise, this date was December 4, 2002 (the date the Dot Kids Act was signed into law). If the USPTO date was after the cut-off date, the application was rejected.
- Compared the submitted trademark in ASCII to the trademark in the USPTO database, ignoring spaces and special characters in the mark such as commas, dashes, and periods. If there was not an exact match, the application was rejected.
- Compared the submitted domain names to the trademark application or registration data in the USPTO database. Before the comparison, through its proprietary software, NeuStar converted the USPTO trademark to a set of candidate domain names formed by removing spaces, punctuation marks, special characters, and periods and converting these to marks that did not contain a space or contained a dash. For example:
  - MP3.com become MP3com or MP3-com;
  - Barnes & Noble became barnesnoble, barnes-noble, barnes-and-noble, barnesandnoble, barnes-andnoble, or barnesand-noble;
  - excite@home became excitehome or excite-home; or
  - Nike Just Do It became nikejustdoit, nike-justdoit, nikejust-doit, nikejustdo-it, nike-just-doit, nike-justdo-it, or nikejust-do-it.
- Rejected domain name applications if any of the submitted domain names were not an exact match with one of the candidate names. If all submitted names on an application were rejected, the application was rejected.
- Compared the submitted registrant name to the USPTO owner name. The registrant name must have corresponded to either: (i) the name of the Trademark Owner (as it appears in the USPTO’s Trademarks BIB database); or (ii) the Assignee (as it appears in the USPTO’s ASSIGN database).
- Compared the status of the trademark submitted with the status in the USPTO database. Only “APPLICATION” or “REGISTRATION” was allowed.
- Rejected applications if the registration number at the USPTO did not match the registration number submitted by the applicant.
- Performed a manual look up of a “Marked Drawing Code” in the USPTO Database to ensure that the Sunrise application submitted corresponded to the textual element of a trademark (in cases where the domain name was based on a “design mark”). The trademark must have been either a Typed Drawing (Mark Drawing Code 1), or a Design Plus Words, Letters and/or Numbers (Mark Drawing Code 3). All trademarks containing a Code of 0, 2, 4, 5, or 6 in the USPTO database were rejected.

## **Sunrise Fees**

For both the enhanced usTLD and kids.us Sunrise periods, NeuStar charged a small, reasonable Sunrise processing fee ("Sunrise Fee"), to each of the applications for which review was required. The amount of the Sunrise Fee was determined by evaluating the number of anticipated applications in light of the costs of implementing the Sunrise Process and approved by the United States Department of Commerce. It was therefore no surprise that the Sunrise Fee was less during the enhanced usTLD launch than the kids.us launch, as a lot less applications were forecast for the latter (increasing the cost per application).

## **Sunrise Dispute Resolution**

Because of NeuStar's unique and innovative approach to the Sunrise Process, coupled with actual validation of Trademarks with the PTO, NeuStar is proud to state that although a dispute resolution process was developed, this process was never invoked in either the launch of the enhanced usTLD space or the kids.us space.

## **FUTURE USE OF THE SUNRISE FOR NEW THIRD-LEVEL DOMAIN SPACES**

In the event that any new third-level domain spaces are introduced in the usTLD in the future, and the DoC believes that a Sunrise Period is warranted in that space, NeuStar would commit to utilizing the Sunrise Process again, just as it did for the enhanced usTLD and kids.us spaces. Prior to such launch, NeuStar would submit its detailed plans, including pricing and pricing justification, to the DoC for its review and ultimate approval.

NeuStar is the only registry operator in the world to have performed such a Sunrise process that entailed validating the submitted information with the United States Patent and Trademark Office Database.

## J.2 usTLD Dispute Resolution Procedures

*NeuStar has a proven record of successfully implementing the usTLD Domain Name Dispute Resolution Procedure ("usDRP").*

In addition to the protections that were afforded to intellectual property owners through the Sunrise Process, set forth in Proposal Section J.1. NeuStar has also implemented an efficient dispute resolution process involving abusive domain names registrations that were either registered or used in bad faith.

The usDRP Policy and Rules were approved by the DoC on February 21, 2002 and was incorporated by reference into the usTLD Registration Agreement. A copy of the usDRP Policy and Rules have been included as Appendix G-1 and can also be found at [http://neustar.us/policies/dispute\\_providers.html](http://neustar.us/policies/dispute_providers.html). The usDRP sets forth the terms and conditions in connection with a dispute between usTLD registrants and any party other than the usTLD Administrator or accredited usTLD registrar. We reaffirm our commitment to this policy and propose only one change set forth below.

Although the usDRP is substantially similar to the Uniform Dispute Resolution Policy developed by the ICANN community and implemented in generic TLDs (such as .biz, .com, .net and .org) (hereinafter referred to as the "ICANN UDRP"), there are several improvements that have been implemented in the usTLD that make it a more dependable tool to protect intellectual property interests of trademark and service mark owners.

The first unique aspect of the usDRP (relative to the ICANN UDRP for gTLDs) is specific language developed by NeuStar that allows panelists to find in favor of the trademark owner if the trademark owner can establish that the domain name was either registered or used in bad faith. In the ICANN UDRP, panelists were only able to find in favor of the trademark owner if the trademark owner could establish that the domain name was both registered and used in bad faith. This new language for the usDRP was praised by both the World Intellectual Property Organization ("WIPO") and the Intellectual Property Constituency of ICANN when it was adopted in NeuStar's .BIZ's Start-up Trademark Opposition Policy back in 2001. It has eliminated the confusion that was caused early on in ICANN's Uniform Dispute Resolution Policy when a trademark owner was able to show that the domain name was "registered in bad faith" but was never used. In that scenario, under the ICANN UDRP the trademark owner may not be able to prevail, but under the usDRP implemented by NeuStar, the trademark owner could rightfully recover the domain name.

A second important and unique aspect of the usDRP dealt with a flaw in ICANN UDRP language dealing with "evidence of registration or use in bad faith" (Section 4(b) of the Policy). The ambiguous ICANN UDRP language has led to inconsistent decisions within and among dispute providers. This paragraph in the ICANN UDRP states that bad faith can be established if a Panel finds that a registrant registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding name, provided that the registrant has engaged in a pattern of such conduct.

This has led to several decisions which have been in favor of cybersquatters where although it was shown that they registered the one domain name in question to intentionally prevent the trademark



owner from registering the domain, it could not be shown that there was a “pattern of such conduct.” In other words, under the UDRP, the explicit wording implies that unless the cybersquatter has prevented other trademark owners from registering their corresponding domain names, one instance of such activity does not amount to bad faith. This too is clearly inconsistent with the original drafters’ intent behind that particular paragraph.

In order to address this problem, NeuStar adopted the WIPO suggestion to modify this specific language in the usDRP to allow panelists to find in favor of the trademark owner if the trademark owner can establish that the registrant registered the domain name in question in order to prevent the trademark owner from reflecting its trademark in a corresponding domain name, without showing a “pattern of such conduct.”

### **Agreements with usDRP Dispute Providers**

Unlike any gTLD Registry Operator which relies on ICANN to accredit and form relationships with entities providing dispute resolution services, the usTLD Administrator is solely responsible for finding and entering into contracts with dispute providers for the usTLD. Since the launch of the enhanced usTLD space, NeuStar has accredited two dispute resolution providers: the American Arbitration Association (“AAA”) and the National Arbitration Forum (“NAF”). Both of these dispute providers also perform Nexus Dispute Resolution services as well. A template of the usTLD Dispute Provider Agreement that NeuStar has executed with each of these providers which is available on NeuStar’s website, can be found at [http://neustar.us/policies/dispute\\_providers.html](http://neustar.us/policies/dispute_providers.html)

In addition, NeuStar has made available on its website an information sheet on the accreditation process for usTLD dispute providers. A copy of that informational sheet is set forth in Appendix G-3. As the usTLD Administrator, NeuStar is always on the look out to solicit the expertise of additional dispute resolution providers based in the United States in order to provide usTLD domain name registrants and intellectual property owners the most qualified and knowledgeable usDRP panelists.

### **Proposed Change to usDRP**

Although the usDRP process has worked flawlessly since the launch of the expanded usTLD space in 2002, NeuStar is continually reviewing its policies and procedures with respect to its management and administration of the usTLD. While others may be satisfied that the current implementation has produced no negative results or controversy, a responsible usTLD Administrator should constantly be looking for ways to improve its policies. That said, changes should not be implemented for change sake, but should only be implemented where it can be shown that such changes will have a positive effect on the usTLD.

To that end, NeuStar is recommending one set of changes to the usDRP Policy and Rules that ensures that a prevailing usDRP complainant is only entitled to a transfer of the .us domain name, if and only if, that complainant can provide demonstrable evidence that it not only had legitimate rights to the domain name, but also that it meets the U.S. Nexus Requirements.

More specifically, under the existing policy and rules, it is theoretically possible for a foreign trademark owner to prove that (i) the usTLD registrant had no legitimate rights to the .us domain

name, (ii) the foreign trademark owner had legitimate trademark rights to the name, and (iii) the usTLD registrant registered or used the .us domain name in bad faith, but does not have any connection to the United States as is required under the U.S. Nexus Requirements. In that scenario, the usDRP Policy and Rules would permit the transfer of the domain name despite the failure of the complainant to demonstrate that it meets the U.S. Nexus Requirements.

The proposed changes by NeuStar would rectify that situation and allow a transfer of the domain name only if the Administrative Panel (as defined in the usDRP) finds that the Complainant does indeed meet the U.S. Nexus Requirements. In a case where the complainant does not meet Nexus, it will still be entitled to request that the domain name should be deleted.

Some may suggest that a foreign trademark owner that does not meet the U.S. Nexus Requirements should not be able to file a usDRP action, but we do not believe that recommendation should be adopted. This is because a .us registrant that is otherwise a cybersquatter should not be immune from prosecution merely because of the technicality that the only potential complainant is unable to meet nexus. The wrongful activity needs to be addressed regardless of whether it is directed towards an entity that meets the U.S. Nexus Requirements.

To implement the above, we recommend the following changes:

- Section 4(i) of the usTLD Dispute Resolution Policy should be changed to read:
  - a. i. Remedies – The remedies available to a Complainant pursuant to any proceeding before an Administrative Panel shall be limited to requiring the cancellation of your domain name or the transfer of your domain name registration to the Complainant; *provided, however, that a transfer of the domain name registration to the Complainant may only be made if the Complainant has also demonstrated its compliance with the U.S. Nexus Requirements* [emphasis added].
- Section 3(x)(the “Complaint”) of the usTLD Dispute Resolution Rules should be changed to read:
  - b. x. Specify, in accordance with the Policy, the remedies sought. *In the event that Complainant seeks a transfer of the domain name, Complainant shall include demonstrable evidence that it satisfies all Nexus Requirements;*

The above changes would only be implemented with approval from the DoC.

### Proposed New Reports from usDRP Providers

In NeuStar's continuing quest to improve the usTLD, NeuStar proposes to conduct a review of the usDRP process and to use the results of such review to determine whether or not changes should be recommended to the usDRP policies and rules. To that end, NeuStar will seek to have each accredited dispute provider submit to NeuStar a quarterly report that provides at least the following information:

- Number of total .usDRP cases filed for the quarter and in the aggregate;
- Number of respondent defaults;
- Number of proceedings held for complainant;



- Number of proceedings held for respondent; and
- Special problems encountered in administering the .usDRP.

In addition, NeuStar will seek feedback from the providers on whether they believe any changes should be made to the usDRP and the rationale behind such changes. Upon request, NeuStar shall provide such reports to the DoC. If information is received by NeuStar that indicates changes should in fact be made to advance the protection of intellectual property (or alternatively to balance the rights of domain name registrants), NeuStar shall present such findings and recommendations to the DoC.

### J.3 United States Nexus Requirement

*U.S. Nexus compliance is a critical element in ensuring the integrity and reliability of the usTLD and NeuStar is the only provider with experience managing this requirement..*

NeuStar has demonstrated a successful track record of managing the usTLD in a manner befitting an important, national resource that is designed to serve the community of Internet users of the United States. A key component of that success has been our implementation and enforcement of the U.S. Nexus Policies and Agreements set forth in Appendix H.

In preparation for the launch of the expanded usTLD space, NeuStar developed, implemented, and continues to enforce a unique system of Nexus requirements which requires the registrant to certify compliance with at least one of the Nexus categories before the domain is ever registered. The certification is passed through the applicable accredited usTLD registrar to NeuStar via Extensible Provisioning Protocol (EPP) during the registration transaction. This allows NeuStar to retain the documented certification in its Shared Registration System database, which as discussed elsewhere in this response, is backed up on a regular basis and is also one of the elements transmitted to our third-party domain name data escrow provider.

#### Certification

A usTLD registrant (including a kids.us domain name), must certify that it is either:

- A natural person (i) who is a United States citizen, or (ii) who is a permanent resident of the United States of America or any of its possessions or territories, or (iii) whose primary place of domicile is in the United States of America or any of its possessions;
- A United States entity or organization that is (i) incorporated within one of the fifty (50) United States, the District of Columbia, or any of the United States possessions or territories, or (ii) organized or otherwise constituted under the laws of a state of the United States of America, the District of Columbia or any of its possessions or (including a federal, state, or local government of the United States, or a political subdivision thereof, and non-commercial organizations based in the United States); or
- A foreign entity or organization that has a bona fide presence in the United States of America or any of its possessions or territories.

#### Current Enforcement

In the event a domain name is registered but does not meet the Nexus requirement (i.e. the Nexus certification received from Registrar and Registrant was incorrect or fraudulent), NeuStar has developed, implemented, and continues to operate two enforcement processes that may be utilized:

**Third Party Claims** -- NeuStar has developed and implemented a third-party challenge mechanism called the "Nexus Dispute Resolution Policy" that provides a legal and policy framework for resolution of any such dispute. The official .US Nexus Dispute Policy can be found at:

[http://www.neustar.us/policies/docs/nexus\\_dispute\\_policy.pdf](http://www.neustar.us/policies/docs/nexus_dispute_policy.pdf). A copy of that Policy is also attached as Appendix G-1.

If a Nexus dispute is initiated pursuant to the above-referenced .US Nexus Dispute Policy, it may be submitted to an approved Nexus Dispute-Resolution Service Provider. The approved Nexus Dispute-Resolution Service Provider must follow the Nexus Dispute Policy and Rules (collectively referred to as the "NDP"), but may also add its own supplemental rules so long as such rules do not conflict with the NDP.

Both the American Arbitration Association and the National Arbitration Forum provide NDP services. In order to implement the NDP, we required the National Arbitration Forum to sign an amendment to its existing usDRP Dispute Provider Agreement with NeuStar. A copy of a template version of that Amendment is attached as at Appendix G-2.

**Registry Spot Checks and Enforcement** -- Shortly after the launch of the expanded usTLD space, it became apparent that the implementation of the NDP had some limitations that provided little incentive for third parties to file NDP challenges. First, the cost of an NDP can be upwards of several thousand dollars (including the filing fee). Second, even if an NDP panel found that a registration was in violation of the NDP, the registrant was offered an opportunity to cure the Nexus deficiency. Finally, even if the registrant was unable to cure, the only remedy for that nexus violation was the cancellation of the domain name registration. To date, there have only been a few third party NDP challenges. The most recent of which, *Jagex Limited v Virtus Offshore Investment Co.-FA0705000976548*, was decided by the National Arbitration Forum on June 15, 2007.

Because NeuStar has a firm commitment to ensuring the integrity of the usTLD and in enforcing the policies mandated by the Department of Commerce and the fact that relatively few third parties have taken advantage of the NDP, NeuStar also instituted its own Nexus spot check and enforcement process. On its own initiative, NeuStar began conducting regular spot-checks for Nexus compliance each month in addition to investigating specific Nexus check requests from interested third parties. Through this process, NeuStar has successfully performed checks on thousands of usTLD names.

### **Nexus Cure Period**

In the event that the third party dispute provider, or NeuStar on its own initiative (collectively referred to as the "Provider"), determines that a prima facie case has been made that the registrant has not met any of the Nexus Requirements, the Provider issues a letter to the Registrant to submit evidence that it is in fact compliant with one of the Nexus Requirements. The Registrant is given thirty (30) days to provide such evidence. If within that 30 day period the Registrant is able to demonstrate its compliance, the complaint shall be dismissed. If, on the other hand it is unable to demonstrate compliance, then the Provider shall make an initial determination that the Registrant is in fact not in compliance with the Nexus Requirements and shall give the Registrant a period of 30 days to cure the deficiency ("Cure Period"). Failure to remedy the deficiency within the Cure Period shall result in the immediate deletion of the domain name.

### **Proposed New Enforcement Tool: WHOIS Accuracy Program.**

As part of the WHOIS Accuracy Program (WAP), as described in Proposal Section B, Sub-section C.4.1.v.b, NeuStar is proposing to launch a new program to improve the accuracy and integrity of the WHOIS database. A key element of the WAP is a WHOIS/Nexus Data Problem Report System

which will be hosted by NeuStar and designed to receive and track third party complaints about inaccurate, incomplete or proxy WHOIS or Nexus data. The system will ask third parties to submit the basis for their belief that the WHOIS record for the applicable name is contains inaccurate, false or incomplete contact or Nexus information. In addition, the system will collect the name and e-mail address of the third party making the complaint and will confirm the third party's intent by asking the third party to confirm its complaint. All data received by NeuStar through this system will be forwarded to the registrar that sponsors the domain that is alleged to contain false or inaccurate.

Unlike complaints involving inaccurate WHOIS information where the registrar will be expected to remedy the alleged inaccuracies, if NeuStar has a good faith belief that a Nexus violation has occurred, NeuStar will contact registrant directly and institute the process described above in the section entitled "Nexus Cure Period."

In sum, the existing Nexus policy and process, properly enforced, helps ensure that the usTLD serves the Internet community of the United States without attracting or encouraging registrations from outside the United States or from those without a bona fide connection to the United States. We reaffirm our commitment to this policy and propose the new enforcement tool described above. Any other potential bidder for the usTLD would need to secure agreement with a Dispute Resolution Service Provider to replace the existing relationship, take on that responsibility directly, or propose a completely different Nexus dispute resolution mechanism.

## J.4 Additional, alternative, or supplemental policies or programs

The usTLD Administrator is responsible, on behalf of the U.S. Government, for increasing the use of the space while preserving the integrity of the usTLD as a valuable public resource for U.S. citizens, businesses, and Government agencies. The preservation of integrity requires, by necessity, the development, implementation and enforcement of a rigorous set of policies. It is these policies and procedures that differentiates the usTLD Administrator from any other provider of technical registry services and makes NeuStar the only entity that can successfully perform the required services for the U.S. Internet community.

In addition to the policies described in Proposal Sections J.1 through J.3, there are a number of additional policies and programs that are essential for organizing the locality-based usTLD space, and for developing the expanded usTLD space. For the locality-based usTLD space, they include the following policies:

- Take-Back of Delegations from Existing Delegated Managers
- Delegated Manager Tool
- Policy on Delegated Manager DNS Inspection
- RSS Feeds for Delegated Managers

Policies relevant to the development of the expanded usTLD space include the following policies described in more detail below.

- Ban on Proxy / Anonymous WHOIS Information in the usTLD
- Revised Transfer Policy
- Bulk Transfer After Partial Portfolio Acquisition
- Redemption Grace Period (RGP)
- WHOIS Accuracy Program
- Prevention of Phishing, Malware, Bot-nets
- Policy to Curb abuse of Add-Grace Period
- usTLD Blog / Bulletin Board Service

### **Additional Policies for the Locality-based usTLD Space**

#### ***Take-Back of Delegations from Existing Delegated Managers***

As described in great detail in Proposal Section B, Sub-section C.5, based on NeuStar's extensive research and analysis of the locality space, it was determined that not only was a standard agreement needed, passing through the requirements and policies of the usTLD, but a predictable, consistent and reliable mechanism for the cancellation of delegations (also known as "take-back" was also warranted.

NeuStar has allocated significant resources to the usTLD locality compliance project. There are currently a number of NeuStar employees working almost exclusively with Delegated Managers and .us locality registrants to move the compliance project to completion. This includes a highly manual and time-consuming investigation and review process to ensure a responsible 'take-back,' or re-delegation, of locality names to NeuStar.

There are four types of take back:

- When the Delegated Manager voluntarily elects to cease operating as the Delegated Manager ("Cooperative");
- When NeuStar attempts to identify the Delegated Manager but is unable to do so. In such a case, NeuStar also attempts to contact applicable State Government officials prior to the take back and also secures approval from the DoC ("Unknown");
- When NeuStar attempts to contact the known Delegated Manager and the Delegated Manager does not respond. In such a case, NeuStar also attempts to contact applicable State Government officials prior to the take back and also secures approval from the DoC ("Unresponsive");
- When NeuStar contacts the Delegated Manager, and the Delegated Manager is either unwilling to comply with the usTLD locality space requirements or refuses to execute a Delegated Manager Agreement. In such a case, NeuStar also attempts to contact applicable State Government officials prior to the take back and also secures approval from the DoC ("Uncooperative")

A comprehensive discussion on the details of the processes and procedures that NeuStar follows in each of the above circumstances is described in Proposal Section B, Sub-section C.5.

### ***Delegated Manager Tool***

In order to modernize the features and functionalities of the locality-based space and to provide an easy and efficient mechanism for Delegated Managers to update their contact and technical information, or the contact and/or technical information to their sub-delegees, NeuStar has introduced a web-based "Delegated Manager Tool" (DMT) that provides a secure access point to the usTLD Administrator SRS database. The DMT allows those Delegated Managers that have executed the required Delegated Manager agreement to directly update their locality domain records in the usTLD registry. The DMT (<https://dm.neustar.us/dm/login.jsp>) is a simple-to-use web application that provides a means for delegated managers to manage WHOIS and DNS changes in near real-time. Through this tool, Delegated Managers are able to manage nameservers and contacts associated to their domains without have to go through a manual request to NeuStar's customer service team.

### ***Policy on Delegated Manager DNS Inspection***

In our standard form of Agreement with Delegated Managers, there is a requirement that Delegated Managers permit the usTLD Administrator to inspect and download the zone file information for each of the their locality sub-delegees. This is to ensure that NeuStar is able to keep accurate and up-to-date contact information to display in the usTLD a publicly accessible WHOIS database. In addition, by obtaining this information, NeuStar will be able to archive, for back-up purposes, the



zone file information. Finally, allowing NeuStar to perform these inspections will ensure continuity of service in the event that the Delegated Manager either is unable or unwilling to continue providing DM services and the entire zone must be taken over by NeuStar.

Therefore, NeuStar performs routine DNS inspections on all of its known locality delegations. Once obtained, the data is archived, loaded into the database and made available for Delegated Managers to access via the DMT. That, in turn, allows Delegated Managers to easily update such information and ensure that the WHOIS and DNS information remains accurate and up-to-date.

### ***RSS Feeds for Delegated Managers***

RSS (Really Simple Syndication), a technology for communicating information in an efficient and machine-readable format has achieved broad usage over the past several years. Users read RSS content by using software called "feed readers" or "feed aggregators". An individual user then subscribes to the RSS feeds to retrieve near real-time communications from the information source to which it subscribed.

To manage its frequent communications with Delegated Managers, NeuStar proposes to create an RSS feed to provide Delegated Managers useful information and updates. RSS communications is not intended to replace e-mail updates, but provides an alternate method for Delegated Managers to receive important updates.

### **Additional Policies for the Expanded usTLD Space**

#### ***Ban on Proxy / Anonymous WHOIS Information in the usTLD***

The U.S. Government has compelling interest in ensuring that its national country-code top-level domain, the usTLD, is administered in a secure manner and that the information contained within the usTLD is reliable, accurate, and up-to date. One of the mechanisms to ensure the integrity of the usTLD is the maintenance of a complete and accurate WHOIS database.

A complete and accurate WHOIS database promotes the U.S. Government's interest in preventing identity theft, fraud and other on-line crime, in promoting the public's ability to police its rights against unlawful copyright and trademark infringement, and avoiding technical mishaps. This includes ensuring a smooth transition of domain name holders in the event that registrar goes bankrupt or otherwise becomes incapable of performing its obligations under the usTLD Registrar Accreditation Agreement and the usTLD Administrator Registrar Agreement. The government also has a compelling interest in accounting to itself and the public for the use of public assets, and ensuring that those assets are used by U.S citizens and companies, or others with an appropriate connection to the United States, in accordance with the U.S. Nexus requirement.

Finally, an accurate up-to date WHOIS database promoted the U.S. Government's interest in abiding by its treaty obligations. In fact, the United States has entered into treaties with several foreign governments, including those of Australia<sup>1</sup>, Singapore<sup>2</sup> and others in which each country has agreed

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<sup>1</sup> See Article 17.3 of the US-Australia Free Trade Agreement, [http://www.dfat.gov.au/trade/negotiations/us\\_fta/final-text/Final\\_text\\_ausfta.pdf](http://www.dfat.gov.au/trade/negotiations/us_fta/final-text/Final_text_ausfta.pdf) (May 18, 2004)

to maintain an accurate, searchable database of personal contact information for registrants in its respective country TLD.

In furtherance of these interests, at the DoC's request, NeuStar executed new accreditation agreements with all existing .us registrars that clarified and made more explicit the prohibition on anonymous or proxy registrations. The amendment provides: "neither registrar nor any of its resellers, affiliates, partners and/or contractors shall be permitted to offer anonymous or proxy domain name registration services which prevent the Registry from having and displaying the true and accurate data elements . . . for any registered name."

On a routine basis, NeuStar randomly reviews usTLD Accredited Registrars' websites and registration facilities to ensure compliance with the policies above. In the event a registrar is found to be offering proxy or anonymous registration services, the registrar will be immediately notified of its breach and given the requisite fifteen (15) days to cure the violation or face de-accreditation.

NeuStar also recognizes, however, that even if a usTLD Accredited Registrar does not offer proxy services, anonymous domain names registrations may nonetheless be entered into the usTLD database by registrants themselves without the registrar's direct knowledge. Therefore, NeuStar routinely scans the usTLD Database for evidence of non-compliance. In the event that NeuStar determines that a proxy or anonymous registration is contained within the usTLD database, NeuStar treats such violation similarly to the provision of false or inaccurate WHOIS information. As such, the sponsoring registrar is immediately notified of the violation and required to correct the deficiency in accordance with the usTLD Accreditation Agreement.

### ***Revised Transfer Policy***

After consultation with the DoC in early 2005, NeuStar undertook a careful review of the then-existing usTLD inter-registrar transfer policy that had existed since the expanded space launch in April of 2002. Our recent review was undertaken as a regular review of our contractual documentation and also in response to consumer inquiries about the implementation of the usTLD transfer policy by certain usTLD-accredited registrars.

Upon completion of our review, NeuStar determined that registrars had generally followed both the intent and letter of the existing policy, but that in a few instances certain business policies implemented by some registrars led to minor conflicts with the existing policy. While these conflicts were rare and generally had minimal impact on the usTLD consumer, we felt it was important and appropriate to address them in a proactive and straightforward manner that will help to prevent similar situations in the future.

In order to address these concerns, NeuStar developed and implemented an amended Transfer Policy (See Appendix I) including a Standard Form of Authorization that a registrar must use in obtaining consent to transfer. In addition, see Proposal Section B, Sub-section C.4.1(v)(d) for a summary of the details of the transfer policy.

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<sup>2</sup> See Article 16.3 of US-Singapore Free Trade Agreement  
[http://www.ustr.gov/assets/Trade\\_Agreements/Bilateral/Singapore\\_FTA/Final\\_Texts/asset\\_upload\\_file708\\_4036.pdf](http://www.ustr.gov/assets/Trade_Agreements/Bilateral/Singapore_FTA/Final_Texts/asset_upload_file708_4036.pdf),

NeuStar has determined that ongoing evaluation of the transfer policy would be beneficial to ensure that the interests of the American consumer continue to be served. As such, we will commit to regular reviews of the usTLD transfer policy in close coordination with DoC and the usTLD-accredited registrars to ensure an efficient and straightforward process. Our goal is to develop and refine a transfer policy that takes into consideration the legitimate operational and business concerns of the registrars while protecting the needs and interests of the registrant by ensuring the portability of .US domains, the enhancement of competition at the registrar level, and the maximization of consumer choice.

### ***Bulk Transfer After Partial Portfolio Acquisition***

In addition to the revisions to the usTLD Transfer Policy described above, NeuStar is also proposing to implement a new transfer services called the "Bulk Transfer After Partial Portfolio Acquisition (BTAPPA)". BTAPPA, which has already been implemented in the .BIZ top-level domain by NeuStar, is a registry service available to consenting registrars where one accredited usTLD registrar purchases, by means of a stock or asset purchase, merger or similar transaction, a portion but not all, of another accredited usTLD registrar's domain name portfolio. Currently, there is no mechanism for a registrar to transfer a portion of its portfolio to another registrar without adding a year to each domain name and incurring the extra renewal fee. This has also caused confusion with usTLD registrants whose names are transferred as a result of a merger or acquisition.

Therefore, NeuStar's BTAPPA proposal provides that at least 15 days before completing a BTAPPA, the losing registrar must provide to all domain name registrants for names involved in the bulk transfer, written notice of the bulk change of sponsorship. The notice must include an explanation of how the WHOIS record will change after the bulk transfer occurs, and customer support and technical contact information of the gaining registrar.

Domain names in certain statuses at the time of the Transfer Request will not be transferred in a BTAPPA. Domain names that are within the auto-renew grace window are subject to bulk transfer, but NeuStar may decline to provide a credit for those names deleted after the bulk transfer, but prior to the expiration of the auto-renew grace window.

NeuStar will have discretion to reject a BTAPPA request if there is reasonable evidence that a transfer under BTAPPA is being requested in order to avoid fees otherwise due to NeuStar, or if a registrar with common ownership or management or both has already requested BTAPPA service within the preceding six-month period.

In the event that one or more accredited usTLD Registrars participate in the BTAPPA service, each such Registrar shall be required to agree to pricing, terms and conditions.

For a copy of the BTAPPA Proposal and the associated Terms of Use for usTLD Accredited Registrars participating in the program, See Appendix B.

### ***Redemption Grace Period (RGP)***

In May 2004, NeuStar proposed a policy that allows registrants to restore expired or deleted domain registrations within a reasonable time period. The language below was approved by the DoC through Contract Modification 13 on June 1, 2004. We reaffirm our commitment to this policy and recommend no changes.

NeuStar's 2004 implementation is a fully automated, EPP-compliant Redemption Grace Period (RGP) for usTLD domain names. The NeuStar RGP enables registrars to restore registered usTLD domain names that have been inadvertently deleted through registrant or registrar error, but which are still within a designated 30-day Redemption Period. Here are the key highlights of our RGP implementation:

- Being EPP-compliant, NeuStar only uses domain statuses defined in the current EPP specifications. As such, all domains slated for deletion remains in PendingDelete status for 35 days or until they are restored.
- All domains deleted outside the Add Grace Period will be placed on PendingDelete status for a total of 35 days, after which time the names will be purged from the Registry database and made available again for registration.
- During this PendingDelete period, domain names will only be redeemable for the first 30 days, and cannot be otherwise modified. The only action allowed by the registrar is the restoration of the domain name.
- Upon being placed in PendingDelete status, domain names will be immediately removed from the DNS, but will remain in the WHOIS with a notation about their dates of deletion in the "Last Updated Date" field.
- At the conclusion of the 30-day restoration period, the domain will remain on PendingDelete for an additional five days. During this time, the domain cannot be restored, modified, deleted, or transferred. At the conclusion of this five-day period, the domain will be purged from the Registry database.
- NeuStar uses the existing EPP Renew command as the basis for the Restore command. In addition, EPP extensions will be used to capture additional required information as set forth below in the section entitled "Registrar Reporting Requirements."
- A Registrar may only restore a domain in order to correct an unintentional deletions caused by the registrant or registrar. Restoring registered domains in order to assume the rights to use or sell them will be considered a violation of the Administrator-Registrar Agreement.
- A Registrar must verify its compliance with the intention of the RGP service by submitting a Registrar Restore Report to the Registry. The primary purpose of the report is to identify the circumstance that led to the Restore request. NeuStar will take advantage of its "thick" registry to collect the reporting data at the time the Restore command is submitted.

In addition, the following information must be submitted by the registrar to NeuStar as part of the Restore command. Failure to provide all of the following data at the time the command is submitted will result in a failure to restore the domain name.

- Written explanation and corresponding reason code as to why registered name was restored (e.g., registrar error, dispute resolution, etc.);
- Written statement affirming that registrar has not, unless required by law, restored the usTLD domain name in question in order to assume the rights to use or sell the name for itself or for any third party; and

- Written statement affirming that information in report is factually accurate to the best of the registrar's knowledge.

NeuStar will retain copies of all Registrar Restores and will provide the DoC with such reports as requested. For the first five (5) days of the RGP, a domain name that has been unintentionally deleted can be restored for a one-time fee of \$6.00; The cost of restoring an accidentally deleted name will be raised to a one-time fee of \$40.00 for the remaining 25 days of the RGP.

Fees associated with the restoration of a domain through the RGP are separate and apart from the fees that are due and payable to NeuStar for the registration or renewal of a domain. Thus, if a domain is deleted within five (5) days of the expiration of a domain registration and a registrant would like to restore the name through the RGP, the registry would charge the registrar the \$6 for the restoration plus \$6 for the renewal of the domain. If the restoration occurs more than five (5) days after the expiration of the domain, the registry would charge the registrar \$40 for the restoration of the domain plus \$6 for the one (1) year renewal of the domain name registration.

### ***WHOIS Accuracy Program***

As further discussed in Section B, Sub-section C.4.1.v.b, NeuStar is proposing to launch new WHOIS Accuracy Program. As part of the WAP, NeuStar recommends implementing the following proven successful programs implemented by ICANN, including a:

- **WHOIS/Nexus Data Reminder Policy** which will require that a registrar present current WHOIS information to each registrant at least annually and remind the registrant that the provision of false data can be grounds for the cancellation of a registration;
- **WHOIS/Nexus Data Problem Report System**, which will be a system designed to receive and track third party complaints about inaccurate, incomplete or proxy WHOIS data;
- **WHOIS Data Accuracy Audit and Report**, where NeuStar will commence a WHOIS data accuracy audit during each year of the contract that will test whether usTLD Accredited Registrars are investigating and correcting WHOIS and Nexus related contact details in response to inaccuracies reported through WHOIS Data Problem Report System;
- **Semi-Annual Sampling of Domain Names**, whereby NeuStar will perform a manual review of a large number of domain names, randomly selected, to test the prima facie accuracy of WHOIS records;
- **Inspection of Registrar WHOIS Functionality**, where NeuStar will enforce a Registrar's requirement to either provide a WHOIS interface or link to NeuStar's authoritative WHOIS service; and
- **WAP Annual Report**, presented to the DoC, describing the results of the WAP initiatives described above.

### ***Prevention of Phishing, Malware, Bot-nets, etc.***

NeuStar believes that the usTLD Administrator must not only aim for the highest standards of technical and operational competence, but also needs to act as a steward of the space on behalf of the U.S. Government in promoting the public interest. One of those public interest functions for a

responsible domain name registry includes working towards the elimination of fraud and identity theft that result from phishing, pharming, and email spoofing of all types involving the DNS.

Section B, Sub-section C.4.1(v)(g) sets forth NeuStar's policies and procedures in place to combat such abusive practices that leverage DNS. NeuStar, as the usTLD Administrator, is at the forefront of the prevention of such abusive practices and is the only known registry operator to have actually developed and implemented an active "domain takedown" policy.

### ***Policy to Curb abuse of Add-Grace Period***

By way of background, the Add Grace Period ("AGP") is used by a number of ccTLD and gTLD registries, including .us, .uk, .biz, .com, .net and .org. The original intent of the AGP was to allow the no-cost cancellation of a domain registration when registrants or registrars mistyped or misspelled domain names during the registration process. In addition, AGP can also be used by registrars to correct system errors. For example, if names are erroneously added at the registry, the fees can be refunded to the registrar if the names are deleted during the AGP. AGP may help registrars recover some losses from failed payment transactions or fraud cases, although many of these types of scenarios extend beyond the first five days of registration.

However, a number of domain name registrants (known as "domainers") have engaged in a practice of using the five-day AGP to register domain names in order to test their profitability. Critics of domain tasting argue, however, that such practice amounts to the "systematic exploitation" of the AGP to gain access to domain names without cost. In addition to domain tasting is a phenomena known as "domain kiting" in which a registrant is continuously able to register a domain name, drop it within the five day AGP, and re-register the domain name at no net cost.

As described in Proposal Section B, Sub-section C.4.1.v.g, critics also describe that such practices destabilize the DNS, facilitate trademark abuse and criminal activity. A number of proposals on dealing with domain tasting and the abuse of the AGP have been circulating to address the critics. NeuStar believes the integrity and intent of the original rationale behind the AGP can be preserved by allowing a number of "free" deletes during the AGP per registrar; the number being relative to the size of that registrar, and then issuing no refunds to the registrar for any deletes above that number, except in extraordinary circumstances. In other words, NeuStar would allow a registrar each month to delete up to (i) 10% of its new registrations or (ii) fifty (50) domain names, whichever greater. NeuStar believes that requiring domain name tasters to pay full price for any domain names deleted above the 10% threshold will increase the costs of domain tasting so much that it will greatly exceed any potential benefits to the domain tasters.

For more information on the policy and implementation, please see Section B, Sub-section C.4.1.v.g.

### ***usTLD Blog / Bulletin Board Service***

NeuStar firmly believes that the usTLD Administrator must have an effective mechanism by which the public can suggest or recommend additional policies or procedures for the usTLD. NeuStar believes that establishing a usTLD Blog and Bulletin Board as described in Section L can such a mechanism.

## J.5 Additional Policies for Enhanced usTLD Functions

As discussed in Proposal Section B, Sub-section C.7, there are a number of existing services as well as additional applications that have been developed, implemented and maintained by NeuStar during its tenure as the usTLD Administrator. NeuStar will continue to provide those services with the highest levels of security and reliability. In addition, if approved by the DoC, we shall continue to enhance the usTLD to further increase the utility and visibility of the space.

These programs include:

- Public Resource Second Level Domains
- usTLD Directory Service
- usTLD Search Engine and
- usTLD Blog and Message Board

For more information on each of these programs, please see Proposal Section B, Sub-section C.7. NeuStar will submit proposals to the DoC for each of the following programs, including any new applicable policies.

### Public Resource Second Level Domains

In 2002, NeuStar had requested the reservation of a number of second-level .us domain names with the intent of developing such names into websites or other applications to directly benefit the usTLD community. Among those domains were kids.us, parks.us and all of the zip codes in the United States (e.g. 21066.us). In 2006, with the assistance of Firstlook (formerly Vendare Media), NeuStar initiated a program to develop each zip code domain into active websites containing locally and regionally focused content.

Under the existing agreement with Firstlook, provided in Appendix A, all of the zip code sites provide features including area information, statistics, weather, zip code targeted advertisements, localized search capabilities, local school information (where available) and other web search capabilities.

In addition, NeuStar will work during the term of the next agreement to develop additional public resource domains, such as parks.us, library.us and vote.us. At such time, NeuStar shall propose additional policies and programs to the DoC that will govern the use of those spaces.

### usTLD Directory Service

NeuStar has developed a searchable directory of usTLD registrant listings of .us domain names. This directory serves as a vehicle to list and showcase their usTLD domain names to the United States Internet community. The directory is a completely optional service to .us domain name registrants. Registrants may submit directory data related to their domains only. This is controlled via the domain's auth-info code.

Currently the data is submitted through a website provided by NeuStar, however, we have plans to create an Application Program Interface (API) which will allow registrars to collect and submit this data at the time of registration. Each directory entry includes the .us domain name, Uniform Resource Locator (URL), description of the site, search key words, and several zip codes associated with the domain name. Over time, we will collect additional data with each listing to make that directory more rich and attractive.

### **usTLD Blog and Message Board**

NeuStar intends to implement a solution that is accessible, easy-to-use and effective in disseminating and receiving information of importance and relevant to the United States Internet community.

With respect to the usTLD Blog, we envision that a limited number of key individuals at NeuStar would be authorized to post short entries regarding news and information about the usTLD, including the usTLD locality-based structure. After registering as a user, readers of the blog will be allowed to comment on the entries. In order to register, users must be listed as the registrant of .us domain name. Once we have authenticated that the user is in fact usTLD registrants, he or she will be provided a user name and an initial password. This username/password will also permit access to the usTLD Message Board.

The usTLD Message Board will allow registered users to comment on existing policies and procedures as well as new topics of their choice. Although all postings will be monitored by NeuStar staff, and responded to where appropriate, NeuStar will not edit any posts. It will only take down posts that have been determined to violate the then-existing terms of use. There will also be a complaint mechanism to allow anyone to report a case of abuse or violation of the terms of use.

More information on these services can be found in Proposal Section L.



## J. 6 Additional Policies

*As the existing usTLD Administrator and kids.us Content Manager, NeuStar is best positioned to ensure the continued safety of kids.us content and the children who access it.*

As described in detail in Proposal Section B, Sub-section C.8, NeuStar currently manages the kids.us space in accordance with the requirements of the Dot Kids Act of 2002 and in compliance with the official kids.us content guidelines.

The Dot Kids Act required that the administrator of the usTLD establish a kids.us domain to serve as a haven for material that promotes positive experiences for children and families using the Internet, provide a safe online environment for children, and help to prevent children from being exposed to harmful material on the Internet.

This legislation was the culmination of years of effort by several members of the United States Congress. In anticipation of this legislation, NeuStar conducted a public outreach campaign to seek input and advice from members of the children's content community, child advocacy groups, parents, educators, law enforcement organizations, and other interested individuals to create an initial draft of Guidelines and Requirements, which were published on the Internet in August 2002. The comments we received were instrumental in finalizing the structure and implementation of the kids.us domain.

NeuStar developed all of the guidelines and content requirements and subsequently drafted all necessary agreements. **No other Quoter has this depth of experience.**

### Supplemental Policies

NeuStar has met its contractual obligations and requirements in kids.us and we are proud to be associated with such a unique space. Because of the existing policies governing kids.us, the space is functioning well and is a secure and safe place on the Internet for children aged 13 and under. At this time, NeuStar does not propose any additional, alternative, or supplemental policies in the kids.us space, but we will continue to evaluate every option that could help attract new content providers without undermining the security of the space.

### Supplemental Programs

NeuStar will continue implementing and executing the current kids.us marketing plan as approved by DoC on March 16, 2007. Further, for the base term of the new contract, we will increase the amount of our kids.us marketing budget to help raise awareness of the kids.us opportunity.

We recognize there are market-based obstacles to greater uptake and usage in the kids.us space. One such example is the challenge we face in attracting more content providers. Most online entities already have web sites in .COM or other established TLDs and have invested significant resources in developing and promoting those sites. As such, they are reluctant to apply additional resources to develop sites that would (a) require further promotion, development and resources; (b) prohibit links to their other established Internet sites; and (c) prohibit data collection, sales, or interactive



communication. Those restrictions are also what makes kids.us special and what guarantees the content is acceptable for the target age group.

We are committed to the success of kids.us and will work closely with the DoC to identify any areas where new policies or programs could help increase awareness and utility of the space.

## J.7 Other Policies

*NeuStar has extensive, proven capabilities to draft, develop and implement new policies in order to improve the overall quality and security of the usTLD.*

As a standard business practice, the NeuStar usTLD Team continuously reviews all policies, processes, and programs associated with usTLD Administration for effectiveness and possible improvement. We proactively analyze the necessity for modifications to existing policies or for the creation new policies and bring them to the attention of the DoC once we believe such policy change or implementation will be of benefit to the usTLD. In the course of this contract, working with the DoC, there have been 19 modifications to the contract.

In preparation for this procurement, the NeuStar response team has performed an exhaustive review of all existing and potentially new usTLD policies, procedures, and programs against:

- what we do now;
- what is required in the new contract;
- what we are proposing as new;
- how we can further improve and enhance the usTLD space; and/or
- how we can better position ourselves as the Administrator and Registry operator to meet anticipated changes in the environment.

Once our needs assessment was performed, we then evaluated proposed policy adds, modifies, and deletes for any risks to stability, reliability, or integrity of the usTLD Administration. If they negatively impacted or posed unacceptable risks in those areas, they were summarily dismissed. These exercises resulted in very few, but appropriate changes.

We have discussed these policies in the appropriate sections of this proposal including Proposal Sections B, J and associated subsections.

With the exceptions of what we have described in previous sections, we do not have any further policies, processes, or programs to introduce that have not been addressed elsewhere in our response.

- Further improve and enhance the usTLD space; and/or
- Better position ourselves as the Administrator and Registry operator to meet anticipated changes in the environment.

If reselected, and through the course of the next contract, it becomes necessary to change or add policies, we will continue to follow the appropriate process and work with the DoC to effect any requisite changes.