

## **.MOSCOW and .MOCKBA Anti-Abuse Policy [Version 1.1 dated 30 November, 2018]**

This .MOSCOW and .MOCKBA Anti-Abuse Policy ("Policy") defines potential abuses and violations related to registration and use of second-level domain names in the .MOSCOW and .MOCKBA TLDs, as well as terms and procedures for countering such abuses and violations.

This policy is aimed at preventing abuses and violations in the use of registered domain names in .MOSCOW and .MOCKBA TLDs, including illegal, malicious, fraudulent, or otherwise harmful use of domain names, and deliberate illegal activity and/or other unlawful actions.

This Policy shall not apply to domain disputes for which the resolution procedure is stipulated in the Uniform Domain Name Dispute Resolution Policy (UDRP), and shall not prevent any party from initiating legal action to protect the breached right in accordance with the applicable laws of the Russian Federation.

This Policy shall not apply to claims/complaints of rightsholders with respect to domain names that fully match and/or coincide with trademarks (service marks), names (trade names), designation of origin, other means of individualization, or other intellectual property of rightsholders.

Since the laws of the Russian Federation provide a special procedure for suspension of electronic mass media outlets' operation, this Policy shall 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 a 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: <https://www.rsoc.ru/mass-communications/control-smi> (for Russian mass media outlets), or to any other applicable authority (for non-Russian mass media outlets).

Terms and definitions used herein are defined in the List of Definitions Used in the Policies, as published on the Registry Operator's official website in the "Documents" section at: <http://en.faitid.org/projects/moscow/documents>

### **1. General Provisions**

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

1.2. If the Registrant violates any restrictions or requirements set forth by this Policy or fails to comply with any terms and conditions set forth in the Policies, the Registry Operator may consider it an abuse and/or violation, resulting in consequences specified herein.

1.3. If the Registry Operator detects any abuses or violations by the Registrant during registration and/or use of its domain name specified herein, the Registry Operator may impose sanctions specified in Clause 4.1 hereof on the said domain name.

1.4. If the Registrar finds any abuse or violations by the Registrant in registration and/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 applicable laws of the Russian Federation, including distribution and advertising of pornographic materials, pursuing any extremist actions or any activities inconsistent with public interests or the

principles of humanity and morality, offending the human dignity or religious feelings, or any other form of illegal activity.

Registry Operator and Registrar may independently assess the activities of the Registrant with respect to any violations of the laws of the Russian Federation, including the cases when the definition of such activities is not listed in the regulations, and engage the respective Competent Organization from the List of Competent Organizations available on the Registry Operator's website at <http://faitid.org/projects/moscow/documents> to assist in the said assessment.

2.2. Registrant may not use its domain name for:

2.2.1. deliberate distribution, provision, and/or advertising of malicious software and/or any reference or redirecting users to such software;

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

2.2.3. redirecting users to web pages attempting to acquire confidential and other sensitive information from third parties (users), including, without limitation, personal data, banking details, usernames, and passwords, by the means of misrepresentation, using similar domain names, design, or content (phishing);

2.2.4. distribution of pornographic materials prohibited by the applicable laws of the Russian Federation;

2.2.5. engaging in fraudulent activities;

2.2.6. engaging in any other activities aimed at disrupting normal operation of components of the internet infrastructure, which do not belong to the 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 via 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 inconsistent with 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 feelings, or other unlawful activity);

c) distribution of e-mail addresses or other message delivery services' databases (except for the cases when the owners of all addresses included in such a database explicitly expressed their consent for inclusion of addresses in the said database and its distribution, provided that open-access publication of the address shall not be considered consent);

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

e) distribution of messages not meeting the following requirements:

- an email address may only be included in the mailing list based on the owner's consent;
- an email address must be easily deleted from the mailing list based on the owner's wish and without any complications for his/her.

2.4. The Registrant may not register and/or use domain names to damage hardware or software of the Registry Operator and/or the Registrar, 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 opinion, may be misleading with regard to the website owner, and facilitate activities inconsistent with public interests.

2.7. In other cases, the Registrant may use its domain name at its own discretion in accordance with the applicable laws of the Russian Federation, unless otherwise provided for by the Terms and Conditions and Policies available on the Registry Operator's website in the “Documents” section.

### **3. Procedure for Detecting Abuses and Violations**

3.1. The Registry Operator may, at its own discretion and with the assistance from Competent Organizations, following the receipt of complaints from third parties in a manner stipulated herein or irrespective of the receipt of such complaints, at any time, and with any frequency inspect .MOSCOW and .MOCKBA domain names in order to monitor the use of such domain names by their Registrants and verify that it complies with the Terms and Conditions, exhibits thereto, including this Policy, with or without notifying domain name's Registrant and Registrar.

3.2. The Registry Operator and the Registrar may engage the respective Competent Organization to confirm the fact of abuse or violation specified herein with regard to the use of domain names in .MOSCOW and .MOCKBA TLDs.

3.3. The Competent Organization, acting within the limit of its powers granted by the agreement with the Registry Operator, in the matters within its competence in accordance with the information available on the Registry Operator's official website at <http://faitid.org/projects/moscow/safety> (hereinafter referred to as "matters within the competence of the Competent Organization") may, in the manner stipulated herein, notify Registrars with regard to the violations specified in Clause 2 hereof occurring as the result of the Registrant's activity, and with regard to other matters in accordance herewith.

3.4. Complaints from third parties regarding Registrant's violation of the terms set forth by the Terms and Conditions and exhibits thereto, including this Policy, shall be addressed and reviewed as follows.

3.4.1. Complaints may be submitted by anyone in any form using one of the following means of communication:

-To the Registry Operator:

- Via email at: [abuse.contact@faitid.org](mailto: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

- To the Competent Organization (for matters within the competence of such an organization) using the addresses available on the Registry Operator's official website at

<http://faitid.org/projects/moscow/safety>;

- To the Registrar of the respective domain using the addresses available on its official website.

3.4.2. Complaints must be written on behalf of a Complainant (hereinafter, the “Complainant”), reference a specific .MOCKBA or .MOSCOW domain name, contain the nature of complaint (including a reference to the provision of the Terms and Conditions, this Policy or other exhibits to the Policies, which are deemed to have been violated by the Registrant, in the Complainant's opinion), other information that may help the entities specified in Clause 3.4.1. hereof (hereinafter, the “Respondents”) to confirm the fact of abuse or violation, and the Complainant's

email address. If a complaint is filed by an individual, its contents must include Complainant's consent to the processing of its personal data by the Respondent or its engaged third parties.

3.4.3. The Respondent shall notify the Complainant of the results of the complaint review via email within sixty (60) calendar days from the complaint's receipt. If the Complainant fails to specify its email address in its complaint, the Respondent may not notify the Complainant of the results of the complaint's review.

3.4.4. The Respondent may at its own discretion engage third parties to review complaints pursuant to this Policy.

3.4.5. The Registry Operator, Competent Organization, and Registrar shall not review complaints in the following cases:

- there is no reference to a domain name;
- the domain name is incorrect, contains typos, or is indicated with www, without top-level domain, etc.;
- the nature of the complaint cannot be unambiguously determined;
- the domain name listed in the complaint has not been registered in .MOCKBA or .MOSCOW TLDs;
- the domain name listed in the complaint is nonexistent;
- in other cases that may, in the Respondent's opinion, interfere with the complaint's unbiased processing.

3.4.6. The Respondent shall notify the Complainant via email of the refusal to review the complaint, stating the reason for such refusal, within seven (7) calendar days from the complaint's receipt. If the complaint does not contain the Complainant's email address, the notice shall not be sent.

3.4.7. The Respondent may refuse to review the Complainant's complaint if a similar complaint on the same subject or grounds has been previously filed by the Complainant or any other entity. The Respondent shall notify the Complainant via email of the refusal to review the complaint, stating reasons for the refusal, within seven (7) calendar days from the complaint's receipt.

3.5. The Registrar and/or the Registrant shall not develop or implement any technological or software tools preventing the Registry Operator from monitoring and inspecting domain names, including with the assistance of the Competent Organization.

#### **4. Procedures That May Be Implemented After Detecting Abuses or Violations**

4.1. In the event that abuses and/or violations are detected during registration and/or use of second-level .MOSCOW and .MOCKBA domain names, the Registry Operator may:

4.1.1. lock the domain name (by prohibiting any actions with such a domain name and/or suspend its delegation);

4.1.2. notify the Registrant and the Registrar via email about the reasons for such locking and allow the Registrant to rectify the violation within thirty (30) calendar days, provided that:

- if the violation is rectified, the Registrant shall notify the Registry Operator thereof via email reply to its notice prior to the expiration of the said period;
- if the Registrant doesn't accept the reasons for locking, the Registrant shall submit to the Registry Operator its reasoned objections via email reply prior to the expiration of the said period;

4.1.3. after receiving information from the Registrant regarding rectification of the violations, the Registry Operator shall verify if it is true, including with the assistance of the Competent

organization. If this is the case, the Registry Operator shall unlock the domain name and notify the Registrant and the Registrar thereof via email;

4.1.4. after receiving a substantiated objection from the Registrant with regard to the locking, the Registry Operator shall review such an objection on its own or with the assistance of the Competent Organization. If after such a review the Registry Operator decides that there are no grounds for qualifying the Registrant's actions as an abuse and/or a violation, the Registry Operator shall unlock the domain name and notify the Registrant and the Registrar thereof via email;

4.1.5. If the Registrant does not rectify the violations or does not provide enough evidence for confirming the absence of abuse and/or violation, the Registry Operator may, upon expiration of the period specified in Clause 4.1.2. hereof, cancel the domain name registration and notify the Registrant and the Registrar thereof via email;

4.1.6. The Registry Operator may cancel the domain name registration prior to the expiration of the period specified in Clause 4.1.2. hereof in certain cases when there is a threat to the reliability and stability of the technical infrastructure of the Registry Operator or the domain name system in general, and notify the Registrant and the Registrar thereof via email.

4.2. If the abuses and/or violations during registration and/or use of second-level .MOSCOW and .MOCKBA domain names are confirmed, including with the assistance of the Competent Organization, the Registrar shall:

4.2.1. lock the domain name (by prohibiting any actions with the said domain name and/or suspend the domain name delegation);

4.2.2. within 24 hours after locking the domain name, notify the Registry Operator of the reasons for such locking using means of communication specified in the .MOSCOW and .MOCKBA Registry-Registrar Agreement:

4.2.3. notify the Registrant via e-mail of the reasons for such locking and provide a period of thirty (30) calendar days to eliminate the reasons for such locking, while:

- if the reasons for the locking are eliminated, the Registrant shall notify the Registrar prior to the expiration of this period via e-mail in a reply message;
- if the Registrant does not acknowledge the reason for the locking, it shall submit to the Registry Operator its reasoned objection prior to the expiration of the said period via email in a reply message;

4.2.4. upon receipt of information from the Registrant with regard to the elimination of reasons for the locking, the Registrar shall verify that such information is correct, including with the assistance of the Competent Organization. If it is established that the Registrant has eliminated the reasons for the locking, the Registrar shall unlock the domain name and notify the Registrant and the Registrar thereof via email;

4.2.5. upon receipt of substantiated objections from the Registrant with regard to the reasons for the locking, the Registrar, on its own or with the assistance of the Competent Organization, shall review such objections. If the review results in the Registrar deciding that there is not enough evidence to qualify the Registrant's actions during registration and/or use of the domain name as abuse and/or violation, the Registrar shall unlock the domain name and notify the Registrant and the Registrar thereof via email;

4.2.6. If the Registrant fails to eliminate the reason for the locking of the domain name and provide enough evidence to prove the absence of abuses and/violations during registration and/or use of the domain name, the Registrar may cancel the domain name registration prior to the expiration of the period specified in Clause 4.1.2. hereof and notify the Registrant and the Registrar thereof via email.

## **5. Final Provisions**

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