

The usTLD Nexus Requirements

NEXUS POLICY

Registrants in the .US TLD must be either:

1. A natural person (i) who is a United States citizen, (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 **[Nexus Category 1]**,
2. A United States entity or organization that is (i) incorporated within one of the fifty (50) U.S. 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 territories (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) **[Nexus Category 2]**, or
3. A foreign entity or organization that has a *bona fide* presence in the United States of America or any of its possessions or territories **[Nexus Category 3]**.

Prospective Registrants will certify that they have a “*bona fide* presence in the United States” on the basis of real and substantial lawful contacts with, or lawful activities in, the United States of America. This requirement is intended to ensure that only those individuals or organizations that have a substantive lawful connection to the United States are permitted to register for usTLD domain names.

It shall be a continuing requirement that all usTLD domain name Registrants remain in compliance with Nexus. To implement the Nexus requirement, NeuStar will:

- Require that Registrars certify that they enforce the Nexus requirement upon their Registrants, and that Registrars require Registrants to certify that they meet the Nexus requirement.
- Conduct a scan of selected registration request information.
- Conduct “spot checks” on Registrant information.

INFORMATION COLLECTED FROM REGISTRANTS

To register a name, Registrants (through their Registrars) will be required to provide basic registration information to the Registry. The minimum required information is:

- The domain name registered;
- The IP address and corresponding names of the primary and secondary name servers for the registered name;
The Registrar name and URL or, where appropriate, the identity of the delegated manager under whom the name is registered;
- The original creation date and term of the registration;
- The name and postal address of the domain name Registrant;
- The name, postal address, e- mail address, voice telephone number, and (where available) fax number of the name holder for the name registered;
- The name, postal address, e- mail address, voice telephone number, and (where available) fax number of the technical contact for the name registered; and
- The name, postal address, e- mail address, voice telephone number, and (where available) fax number of the administrative contact for the name registered.

In addition to the above information, Registrants will be required to provide certain additional Nexus information to their Registrars. Except where it is noted below that a registration will be rejected if information is missing, failure of a registration to satisfy the Nexus requirement will result in the name being placed upon a 30-day hold, during which time the Registrar will be notified and given the opportunity to correct the information with the Registrant. If no action is taken by the Registrar within the 30-day period, the registration will be cancelled

and the name will be returned to “available” status. The registration fee will not be refunded. If, on the other hand, the Registrar is able to demonstrate compliance with the requirement and the information is corrected, the hold will be released and the name will be registered.

- Certification that Registrant satisfies Nexus requirement – if not completed, then registration will be rejected;
- Basis for compliance (Nexus Category 1, 2, or 3) – if not completed, then registration will be rejected
- Certification that the listed name servers are located within the United States – if not completed, then registration will be rejected

NEXUS CATEGORY 1

A natural person (i) who is a United States citizen, (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.

- *Statement of citizenship or legal permanent residency required. If not completed, registration will be rejected.*

NEXUS CATEGORY 2

A United States entity or organization that is (i) incorporated within one of the fifty (50) U.S. 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).

NEXUS CATEGORY 3

A foreign entity or organization that has a *bona fide* presence in the United States of America or any of its possessions or territories.

- *Applicant must state country of citizenship.*
- *Applicant must also (1) regularly engage in lawful activities (sales of goods or services or other business, commercial or non-commercial including not-for-profit activities) in the United States; or (2) maintain an office or other property within the United States.*

Category 3 Nexus Certification

Prospective Registrants will certify compliance with Category 3 Nexus based upon substantial lawful contacts with, or lawful activities in, the United States.

Factors that should be considered in determining whether an entity or organization has a *bona fide* presence in the United States shall include, without limitation, whether such prospective usTLD domain name Registrant:

- Regularly performs lawful activities within the United States related to the purposes for which the entity or organization is constituted (e.g., selling goods or providing services to customers, conducting regular training activities, attending conferences), provided such activities are not conducted solely or primarily to permit it to register for a usTLD domain name and are lawful under the laws and regulations of the United States and satisfy policies for the usTLD, including policies approved and/or mandated by the DoC;
- Maintains an office or other facility in the United States for a lawful business, noncommercial, educational or governmental purpose, and not solely or primarily to permit it to register for a usTLD domain name.

NEXUS DISPUTE POLICY

Although the U.S. Nexus Requirement will initially be enforced through the registration process described above, disputes may arise as to the authenticity, veracity and/or accuracy of the Registrant's Nexus certification. Therefore, NeuStar, as administrator of the usTLD, has devised a Nexus Dispute Policy (NDP) that will be administered solely by the usTLD Administrator or its designated representative. The NDP will provide interested parties with an opportunity to challenge a registration not complying with the Nexus Requirement.

In the event that a third party wishes to challenge the authenticity or veracity of a usTLD Registrant's U.S. Nexus, that party may submit a "Nexus Challenge" to the usTLD Administrator or its authorized representative. The challenger must submit a written statement to the usTLD Administrator via first class mail alleging, with specificity, evidence to support its allegation that the Registrant fails to meet any of the U.S. Nexus Requirements set forth above.

NeuStar, as the usTLD Administrator, may itself begin the challenge process as the result of its own "spot check" process. The written statement must be accompanied by a signed Nexus Challenge Affidavit, which the challenger will download from www.neustar.us, and the required NDP fee, as posted at www.neustar.us.

Once the usTLD Administrator receives a challenge, the domain name will be placed upon "Registry hold" until the matter is resolved. While the name is on Registry hold, the Registrant

may not (i) change any of the contact information for that particular domain name or (ii) transfer the domain name to any third party.

In the event that the usTLD Administrator finds that the challenger has established a *prima facie* case that the Registrant has not met the Nexus requirement, the usTLD Administrator Nexus Officer will issue a letter to the Registrant to submit evidence of compliance with the Nexus Requirements ("Letter"). The Registrant shall have a period of thirty (30) days from the date of the Letter to submit evidence of compliance. If, within the thirty (30) days, the Registrant submits evidence establishing compliance with the Nexus Requirement, the Registrant shall be permitted to keep the domain name.

If, however, the Registrant either (i) does not respond within the thirty (30) days, or (ii) is unable to demonstrate through documentary evidence that it complied with the Nexus requirement prior to the date the NDP was invoked, the usTLD Administrator Nexus Officer will issue a finding that the Registrant has failed to meet the Nexus requirement. Upon such a finding, the Registrant will be given a total of thirty (30) days to cure the U.S. Nexus deficiency. If the Registrant is able to demonstrate within (30) days that it has cured such deficiency, the Registrant will be allowed to keep the domain name. If the Registrant either (i) does not respond within the thirty (30) days, or (ii) is unable to proffer evidence demonstrating compliance with the Nexus Requirement, the domain name registration will be deleted from the Registry database, the Registrar for the name will be notified, and the domain name will be made available for registration. This process represents the exclusive remedy for an NDP challenger. The usTLD Administrator reserves the right to modify this NDP at any time with the permission of COTR. The usTLD Administrator will post its revised NDP on its Website at least thirty (30) calendar days before it becomes effective.