

# .SUCKS

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## Abuse & Takedown Policies and Procedures

Vox Populi Registry Ltd.

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[www.get.sucks](http://www.get.sucks)

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This document describes the registry policies of Vox Populi Registry Ltd.

## INTRODUCTION

This is a statement of Vox Populi's position regarding the takedown of domains registered in the dotSucks registry in the context of the following specific domain name abuse scenarios:

- Cyberbullying
- Pornography
- Parked Domains

It is to be read together with the dotSucks Registration Terms & Conditions and the dotSucks Acceptable Use Policy and Terms of Service (together, the "Registration Rules"). All words and phrases used in this Takedown Policy shall have the same meaning attributed to them in the dotSucks Registration Rules.

Please note that Vox Populi reserves the right to modify this Takedown Policy and Procedures from time to time to comply with applicable laws and terms and/or any conditions set forth by ICANN or based on our judgment from experience that a change is required to properly fulfill dotSucks contractual obligations in relation to its specific Public Interest Commitments. The most current version of this Takedown Policy and Procedures that is in effect will always be at [www.registry.sucks/policies](http://www.registry.sucks/policies).

## ACCEPTABLE USE OVERVIEW

Vox Populi is committed to providing a platform for customer-led advocacy, freedom of speech, fostering debate and the sharing of opinions by users with different ideas, opinions, voices and viewpoints. Users are responsible for the content they share and provide and should recognize that content that is acceptable to some users may be offensive or objectionable to others. Offensive or objectionable content is permitted if it does not violate Vox Populi's Registration Rules and Vox Populi does not mediate content or intervene in disputes between users. In addition, Vox Populi does not actively monitor user content. Our mission is to enhance the conversation between companies and their customers, advocates and their supporters and, as a result, certain policies will be implemented to guard against registrants that diffuse this mission.

This Takedown Policy will govern Vox Populi's actions in response to conduct violating its Registration Rules for which it has received a valid complaint pursuant to this policy. When a registrant violates our Registration Rules, the actions we take depend on the severity of the violation. In all cases Vox Populi reserves the right at all times (but will not have an obligation) to remove or to bring the offending sites into compliance by using any of the methods described herein, or others as may be necessary at the Registry's discretion, whether or not described in this Takedown Policy.

Every registrant of a domain name in the dotSucks domain has a contract with the registrar through which the domain name is registered. This contract includes the following provisions:

As a Registered Name Holder, you agree and understand that the registry operator can remove from the TLD zone file, and render inoperable, your domain name registration, including any associated website and email services, in the following circumstances:

- (a) Cyberbullying;
- (b) Pornography; and/or
- (c) Parked Pages.

Every registrant of a domain name in the dotSucks domain is also subject to Vox Populi's Acceptable Use Policy and Terms of Service which sets out the following Content Restrictions of dotSucks domain names:

1. The Registered Names Holder shall not permit content or use of a domain name that is primarily designed for cyberbullying. A definition of cyberbullying may be found at <https://cyberbullying.org/what-is-cyberbullying>.
2. The Registered Names Holder shall not permit the domain name to be used primarily for or to primarily contain, pornography.
3. The Registered Names Holder shall not permit the domain name to be Parked. Parking pages are not allowed in the dotSucks domain.

## **DEFINITIONS AND BEST PRACTICES**

### **Cyberbullying**

Cyberbullying is willful and repeated harm directed towards a school aged child inflicted through the use of computers, cell phones, and other electronic devices.

- Examples of cyberbullying include mean text messages or emails, rumors sent by email or posted on social networking sites, and embarrassing pictures, videos, websites, or fake profiles. Cyberbullying can happen 24 hours a day, 7 days a week, and reach a kid even when he or she is alone. It can happen any time of the day or night.
- Cyberbullying messages and images can be posted anonymously and distributed quickly to a very wide audience. It can be difficult and

sometimes impossible to trace the source.

- Deleting inappropriate or harassing messages, texts, and pictures is extremely difficult after they have been posted or sent.

(See <https://cyberbullying.org/what-is-cyberbullying> for further information.)

Examples of what's not allowed:

A website using a dotSucks domain name that contains:

- comments making fun of a specific child and his, her, or their family;
- comments about a child's sexual orientation, race, religion, personal hygiene habits, weight, gender expression, other personal characteristics;
- invitations to website readers to make fun of the child;
- gossip or rumors about a child that may bring about hatred or other negative reaction in readers' minds;
- personally identifying information directed towards a school aged child and publishing materials severely defaming and humiliating them;
- threats of sharing, or sharing intimate or embarrassing images or information about a child.

## **Pornography**

Pornography is an elusive concept that is difficult to define and that means different things to different people, but it is often described as follows:

Pornography is the representation in photographs, film and other media of scenes of sexual behavior that are erotic or lewd and are designed to arouse sexual interest.

The Registration Rules prohibit using a dotSucks domain primarily for the use of, or to contain primarily pornography, that is not posted for the legitimate purposes of discussion or debate.

Examples of what's not allowed:

- solicitation of sexual material or offers of sexual services
- pornographic material other than clearly for the purpose of fostering discussion or debate on an issue.

Examples of what IS allowed:

- Sexually explicit images, videos or text that appear in the context of a discussion or debate among users involving a topic related to sexuality, e.g., sexuality education, a debate about what is appropriate to include in

a sex education curriculum, etc.

## **Parked Domains**

A Parked Domain is a registered domain name that displays a webpage which primarily contains third party advertising, seeks partnerships, or is otherwise not currently in use as intended within the dotSucks domain. What constitutes a parked domain is difficult to define exhaustively but it will be looked at in relation to the facts and the concept of Pith & Substance (see below).

Examples of what's not allowed:

- A dotSucks domain name may not be associated with a webpage containing primarily third-party advertising;
- A dotSucks domain pointing to an "Under Construction" or "Coming soon" webpage that primarily contains third-party advertising (a registrar's standard "domain registered" webpage is exempt).

Examples of what IS allowed:

- A dotSucks domain name displaying their registrar's standard "domain registered" webpage;
- A dotSucks domain name is not required to resolve to an active website;
- A dotSucks domain name may be forwarded to a registrant's primary domain (associated with website content that complies with our Acceptable Use Policy). Best practice would be to forward it to an area where consumers may obtain customer service.

## **TAKEDOWN PROCESSES AND PROCEDURES**

### **Overview**

Vox Populi may identify violations of dotSucks Registration Rules by any means, including without limitation, a private complaint, government or enforcement agency notification, ICANN notification.

Upon receiving a valid complaint pursuant to this takedown policy, Vox Populi may alert any relevant registrant or Registrar and work with them to resolve such issue(s). Vox Populi will also use such other methods in compliance with applicable laws and ICANN policies, as it deems appropriate.

At its discretion, Vox Populi or its designee, through an automated system or otherwise, may view any website hosted on a dotSucks domain, for the purpose

of identifying violations of the Registration Rules.

Vox Populi believes that domain registrants are entitled to be heard when domains are the subject of claims of violation of law or policy. However, in cases where a complaint indicates that urgency is warranted on the basis of the nature of the violation and its potential harmful implications (e.g., cyberbullying), the Registry may take whatever action it deems necessary on an accelerated basis up to and including takedown of the domain name, regardless of whether or not there is cooperation from the domain name registrar or the registrant.

When law enforcement agencies or courts with jurisdiction over Vox Populi require action in connection with dotSucks domain names, Vox Populi cooperates to the fullest extent required by its legal obligations as the manager of a top level domain registry.

## **Where to file a complaint**

An area of the Registry website is dedicated to the filing of complaints: [www.get.sucks/abuse](http://www.get.sucks/abuse). Complaints may be filed using a simple web form.

## **Complaint Process**

Once a complaint is filed, the Vox Populi abuse department will make a basic initial determination that a complaint is non-frivolous and all the necessary information is complete before continuing the process.

If our abuse department confirms the complaint has been filed in accordance with this complaint process and is not frivolous, the registrant and registrar will be notified of the dispute and provided all the details of the complaint.

Should the complaint not be resolved by the registrant within the applicable timeline, the matter will be forwarded to a third-party with subject matter expertise (arbitrator).

The arbitrator will review all the material provided and the arbitrator will rule on the takedown of the disputed domain. The arbitrator may request more information from either party to aid in their deliberation.

If the Vox Populi abuse department or the arbitrator determines the complaint has no merit, the complainant will be so notified and the complaint dismissed. A complainant who wishes to appeal the dismissal may do so, upon payment of an appeal fee. The registrant will then be notified of the dispute, both parties will be provided the opportunity to file submissions and the arbitrator will rule on the takedown of the disputed domain name. If the complainant is successful, the

appeal fee will be refunded.

The following guidelines should be kept in mind when filing a complaint:

- Our abuse department will look to you for information about how or why certain content may violate our policies. Please include this information in the complaint.
- The dotSucks community is intended to reflect the diverse voices of its members. Not all offensive or disturbing content violates our Registration Rules, therefore filing a complaint against a domain name or content appearing on a website associated with a given domain name will not automatically result in its removal.
- If your complaint leads to the immediate takedown of a dotSucks domain on the grounds of cyberbullying and is ultimately shown to be false, misleading or unfounded, you may be liable, without limitation, for any loss, damages or expense of any kind to the registrant, the registrar of the domain, and Vox Populi, its directors, officers, employees, agents or representatives.

As concepts such as cyberbullying, pornography and parked pages cannot be definitively defined and may take new forms whether anticipated or not; it should be understood that when rendering a decision whether a dotSucks domain violates Vox Populi's Acceptable Use Policies with respect to cyberbullying, pornography, or parked pages, the arbitrator will have regard first and foremost to the facts and the definitions of these concepts and shall then use their judgment and discretion to determine whether, in pith and substance, the dotSucks domain complained of is being used in a manner that justifies its takedown.

## **Rapid Takedown Process – Cyberbullying**

Given the potentially harmful implications of cyberbullying, if we receive a complaint alleging cyberbullying we will take prompt action to take down an offending website if, and only if:

- The complaint indicates that you have reasonable grounds to believe that the content on a website associated with a dotSucks domain may cause imminent danger to the safety, life or health of a school aged child if it is not promptly removed, and detailed information about the reason for such belief;
- You indicate that a formal complaint has been made to the police and a copy of any report or document issued by the police is filed with your complaint;

- VoxPopuli's abuse department can contact the police department in question to verify they concur with the belief that there is imminent danger.

## **Appeal of Arbitrator's Decision**

If an arbitrator rules in favour of takedown, we will wait ten (10) business days (as observed in the location of our principal office) after we are informed by the arbitrator of the decision before implementing that decision. We will then implement the decision unless we have received from the registrant during that ten (10) business day period official documentation (such as a copy of a complaint, file-stamped by the clerk of the court) that the registrant has commenced a lawsuit against the complainant in a court of competent jurisdiction. If we receive such documentation within the ten (10) business day period, we will not implement the arbitrator's decision, and we will take no further action, until we receive (i) evidence satisfactory to us of a resolution between the parties; (ii) evidence satisfactory to us that the registrant's lawsuit has been dismissed or withdrawn; or (iii) a copy of an order from such court dismissing the registrant's lawsuit or ordering the registrant does not have the right to continue to use the disputed domain name.

## **LIMITATION OF LIABILITY**

Vox Populi will not mediate or adjudicate any dispute between parties and is not liable for any loss or damage a domain name registrant or anyone else may suffer because of an action or omission by us or by anyone else under this Takedown Policy.

Any complaint with which the Registry is unable to assist should be resolved through an appropriate dispute resolution forum or the court. In such circumstance, we will comply as required with:

- the final determination of an internationally recognized dispute resolution body or a court of law of competent jurisdiction, resolving the inter-party dispute or otherwise mandating the Registry's action;
- Any requirement of ICANN or other recognized authority which demands action or response.

If anyone brings a claim against us related to your actions, or content or information that you have posted or have caused to be posted on a website associated with a dotSucks domain, you will indemnify and hold us harmless from and against all damages, losses, and expenses of any kind (including reasonable legal fees and costs) related to such claim. Although we provide Registration Rules, we do not control or direct users' actions on websites



associated with dotSucks domains and we are not responsible for the content or information users transmit or share on such websites. We are not responsible for any offensive, inappropriate, pornographic, obscene, unlawful or otherwise objectionable content or information you may encounter on any website associated with a dotSucks domain. We are not responsible for the conduct, whether online or offline, of any user of a dotSucks domain or a website associated with a dotSucks domain.

In no event will Vox Populi, its directors, officers, members, employees, agents or representatives, or any arbitrator, be liable to a registrant, a registrant's registrar, a complainant or any other person for any loss, damages or expense including, without limitation, any special, indirect, incidental, exemplary, punitive or consequential damages, or economic loss or damages resulting from loss of use, lost business revenue, lost profits or third party damages arising from or in any way connected with:

- the application of this Takedown Policy and Procedures by any of them;
- a decision or corrigendum rendered by an arbitrator under this Takedown Policy;
- Vox Populi's compliance with any order, ruling, decision, corrigendum, or judgment made by an arbitrator under this Takedown Policy or by any court, tribunal, board, administrative body or commission;
- Any action taken or not taken by Vox Populi, the registrant's registrar, an arbitrator in consequence of this Takedown Policy, including without limitation paragraphs (a), (b) and (c) above.

You agree that the laws of the Cayman Islands govern this policy and any claim or dispute that you may have against us, without regard to the Cayman Island's conflict of laws rules. You further agree that any disputes or claims that you may have against us reside in and will be resolved by a court located in the Cayman Islands and you agree and submit to the exercise of personal jurisdiction of such courts for the purpose of litigating any such claim or action. BY AGREEING TO THESE TERMS OF USE, YOU ARE: (1) WAIVING CLAIMS THAT YOU MIGHT OTHERWISE HAVE AGAINST US BASED ON THE LAWS OF OTHER JURISDICTIONS, INCLUDING YOUR OWN; (2) IRREVOCABLY CONSENTING TO THE EXCLUSIVE JURISDICTION OF THE CAYMAN ISLANDS, AND VENUE IN, COURTS IN GRAND CAYMAN OVER ANY DISPUTES OR CLAIMS YOU HAVE WITH US; AND (3) SUBMITTING YOURSELF TO THE PERSONAL JURISDICTION OF COURTS LOCATED IN GRAND CAYMAN IN THE CAYMAN ISLANDS FOR THE PURPOSE OF RESOLVING ANY SUCH DISPUTES OR CLAIMS.