

## CHARACTERISTICS OF A TRUSTED NOTIFIER PROGRAM

### Trusted Notifier Status

- The Registry must be willing to accept and act on referrals received from the Trusted Notifier. As such, it is important for the Trusted Notifier to be a recognized authority within the field in which it operates.
- Characteristics of a Trusted Notifier include an industry representative trade association that represents no single company, a recognized non-for-profit public interest group dedicated to eliminating illegal behavior, or a similarly situated entity with demonstrated extensive expertise in the area in which it operates and ability to identify and determine the relevant category of illegal activity.
- The Trusted Notifier must be willing to stand behind its referrals.
- The relationship is voluntary in nature – either party may withdraw from the program at any time.

### Operations

- Both the Registry and Trusted Notifier provide designated points of contact for the sending and receiving of referrals regarding abuse in a TLD.
- The Trusted Notifier's referrals will be treated expeditiously and with a presumption of credibility, though the Registry may conduct its own investigation.

### Standards for Referrals

Referrals from the Trusted Notifier must include, at a minimum:

- A statement that the Trusted Notifier is authorized to submit the referral (e.g. for copyrights, the Trusted Notifier has authority to assert a claim on behalf of the rights holder);
- Detailed description of the abusive activity (i.e., sample URLs, screen shots);
- Non-exhaustive Identification of the law(s) being violated by the activity;
- Clear and brief description of why the site's activity violated the specified law(s);
- Statement that, prior to sending the referral, the Trusted Notifier alerted or attempted to alert the registrar of record and hosting provider, including a description of the response received, if any, from registrar and hosting provider and an explanation of why such responses failed mitigate the abuse;
- Statement that the referral is submitted with a good faith belief that the information contained therein is true and accurate; and
- Confirmation that the referral was subject to careful human review by the Trusted Notifier—not submitted solely based on automated Internet scanning or scraping services.

In addition to satisfying all of the elements above, before submitting a referral, the Trusted Notifier will make a good faith effort to determine whether the domain is operating with false Whois information. Where applicable, the referral will also include the following to the best of Trusted Notifier's knowledge:

- Statement that Whois information provided by the registrant contains false or misleading information; and
- Identification of which Whois field may be false or misleading.

#### Actions by the Registry

- Registry will review the referral on an expedited basis;
- Registry will coordinate with the applicable registrar;
- As appropriate, registrar (or Registry if registrar declines) may provide the referral to the registrant, and will set a reasonable deadline in which to receive a response;
- If Registry agrees that the domain clearly is devoted to abusive behavior as reported in the referral, the Registry, in its discretion, may suspend, terminate, or place the domain on registry lock, hold, or similar status as it determines necessary to mitigate the harm and that such action may constitute an appropriate response to a domain engaged in clear and pervasive abusive behavior;
- If the Registry has concerns, questions the scope or nature of the reported abuse, or has received alternative instruction from law enforcement or similar authority, the Registry should provide a written explanation promptly to the Trusted Notifier and give the Trusted Notifier opportunity to supplement or amend its referral;
- Absent exceptional circumstances, the Registry will endeavor to determine a course of action and inform the Trusted Notifier of its decision within 10 business days of receipt of the referral.