

Internet Corporation for Assigned
Name sand Numbers
12025 Waterfront Drive, Suite 300
Los Angeles, California 90094
Attention: New gTLD Program Staff

Baar, 18. November 2013
Tobias Ackermann

EXEMPTION OF CODE OF CONDUCT

Dear Sir or Madam,

As announced in our application under question 18, we are writing you to request Exemption from Registry Operator Code of Conduct for **ERNI GROUP HOLDING** ("Registry Operator"), in connection with the execution of the Registry Agreement for the **Application number: 1-949-56474 .erni** TLD (the "Registry Agreement").

We hereby request an exemption from the obligations of the Registry Operator Code of Conduct set forth in Specification 9 to the Registry Agreement (the "Code of Conduct"). Pursuant to such request, Registry Operator confirms that each of the following statements is true and correct (collectively, referred to as the "Statements"):

1. All domain name registrations in the TLD are registered to, and maintained by, Registry Operator for the exclusive use of Registry Operator or its Affiliate (as defined in the Registry Agreement);
2. Registry Operator does not sell, distribute or transfer control or use of any registrations in the TLD to any third party that is not an Affiliate of Registry Operator; and
3. Application of the Code of Conduct to the TLD is not necessary to protect the public interest for the following reasons:

As explained during the application process under question 18, the .erni TLD will only be open to registrations by ERNI GROUP HOLDING and its affiliates and the domain names will only be used for ERNI GROUP HOLDING legitimate services and products in a way that is commensurate to their role and importance within ERNI

GROUP HOLDING's strategy. This will ensure that no costs need to be borne by trademark and other intellectual property rights owners in monitoring the .erni zone and protecting against abuses from registrations. This similarly applies to personal names, geographic names, Intergovernmental Organizations based in an International Treaty, and in general, any third parties interested in protecting their identity.

The .erni TLD uses are always in relation to ERNI's IT engineering and consultancy activities and its affiliates will have a positive effect on security, both on ERNI's own customers and over the Internet as a whole as it will greatly reduce the risks of effective phishing, or any other malicious conduct.

The Registry Operator will impose measures for protecting the privacy or confidential information of internal registrants and users to comply with applicable law, in particular the Swiss Data Protection framework and legislation, as well as any ICANN requirements in the area.

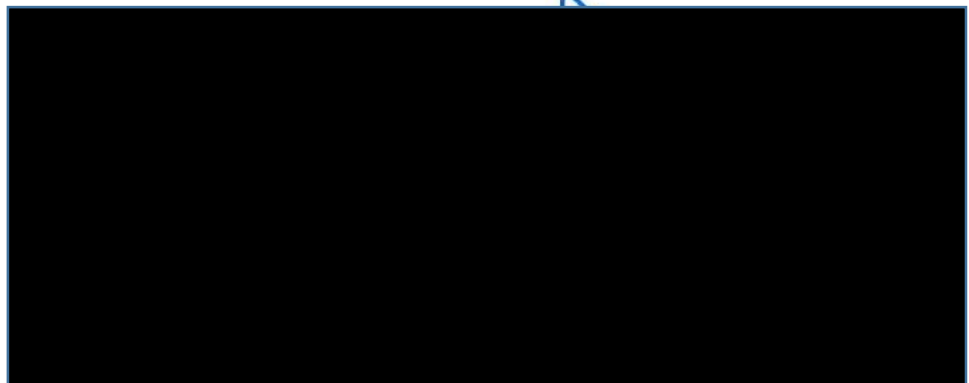
As a result, the specific model of the .erni TLD and the registration policies as described above limit to a great extent the possible concerns on privacy, as no third parties and even less individuals will be allowed to register .erni names.

Registry Operator represents that the registration policies attached hereto as Schedule A are a true and correct copy of the Registry Operator's registration policies for the TLD.

Registry Operator agrees to notify ICANN promptly in writing in the event any of the Statements has become untrue (whether before or after an exemption has been granted).

Registry Operator further acknowledges and agrees that the Exemption will be void if at any time any of the Statements has become untrue.

Submitted by:
Position:
Date Noted:
Email:



Schedule A

Registry Operator hereby acknowledges that the following are the true and correct registration policies for the TLD:

The .erni TLD will be for the exclusive use of the ERNI GROUP HOLDING's services and purposes. ERNI does not contemplate at this stage opening the registration to any third party. Therefore, the mandatory registration agreement will refer to the following terms and conditions:

- a) Eligibility: The registrant will be ERNI GROUP HOLDING or any Affiliate.
- b) Name selection: .erni domain name registrations must be related to the ERNI GROUP HOLDING services and products.
- c) Use and content: .erni domain names may only be used in relationship to the ERNI GROUP HOLDING's services and purposes, subject to the approval of ERNI. Domain names used must be commensurate to the role and importance of the ERNI services.

Considering that,

- a. ERNI GROUP HOLDING will register and maintain all domain name registrations within .erni its own exclusive use, and that
- b. ERNI GROUP HOLDING will not sell, distribute or transfer control or use of any registrations in .the erni TLD to any third party that is not an Affiliate of ERNI and that;
- c. Application of the Registry Operator Code of Conduct contained in Specification 9 of the Base gTLD Registry Agreement to .erni is not necessary to protect the public interest;

ERNI GROUP HOLDING will request the exemption to the above mentioned Registry Operator Code of Conduct, and expects ICANN to grant such exemption as ERNI provides reasonable satisfaction of the conditions hereof expressed. ERNI GROUP HOLDING may in the future consider extending the use of domain names for employees, customers and partners, but this is not foreseen neither allowed in the current description of the registration policies