

## **Amendment No. 5 to Registry Agreement**

The Internet Corporation for Assigned Names and Numbers and Dog Beach, LLC agree, effective as of \_\_\_\_\_ (“Amendment No. 5 Effective Date”), that the modification set forth in this amendment No. 5 (the “Amendment”) is made to the 20 March 2014 .juegos Registry Agreement between the parties, as amended (the “Agreement”).

The parties hereby agree to amend Exhibit A of the Agreement by deleting the following sections 3, 4, 5, 6, 7, 8, 9, 10 and 11 in their entirety:

[START OLD TEXT]

### **“3. Searchable Whois**

Notwithstanding anything else in this Agreement, Registry Operator must offer a searchable Whois service compliant with the requirements described in Section 1.10 of Specification 4 of this Agreement. Registry Operator must make available the services only to authenticated users after they logged in by supplying proper credentials (e.g., user name and password). Registry Operator must issue such credentials exclusively to eligible users and institutions that supply sufficient proof of their legitimate interest in this feature (e.g., law enforcement agencies).

### **4. Internationalized Domain Names (IDNs)**

Registry Operator may offer registration of IDNs at the second and lower levels provided that Registry Operator complies with the following requirements:

**4.1.** Registry Operator must offer Registrars support for handling IDN registrations in EPP.

**4.2.** Registry Operator must handle variant IDNs as follows:

**4.2.1** Variant IDNs (as defined in the Registry Operator’s IDN tables and IDN Registration Rules) will be blocked from registration.

**4.3.** Registry Operator may offer registration of IDNs in the following languages/scripts (IDN Tables and IDN Registration Rules will be published by the Registry Operator as specified in the ICANN IDN Implementation Guidelines):

**4.3.1.** Cyrillic Script

**4.3.2.** French Language

**4.3.3.** Italian Language

**4.3.4.** German Language

**4.3.5.** Portuguese Language

**4.3.6.** Spanish Language

**4.3.7.** Chinese Language

#### **4.3.8. Japanese Language**

### **5. Domain Name Monitoring**

Registry Operator may offer the Domain Name Monitoring service, which is a Registry Service that allows the registrant of a domain name to obtain monitoring information collected by the Registry Operator for that particular domain name.

### **6. Protected Marks List - Uniregistry EP Bundle and Uniregistry EP Plus Bundle**

- 6.1.** This protected marks list is a service that, across the TLDs operated by the Registry Operator, allows trademark rights holders to request that the Registry Operator withhold domain names from registration based on the labels listed in a valid SMD file issued by an ICANN-authorized trademark validator.
- 6.2.** The Registry Operator must validate that the SMD is valid at the initial time of withholding domain names. The domain names will continue being withheld for the duration of the agreement between the Registry Operator and the trademark rights holder (through its Registrar), irrespective of the validity date of the SMD.
- 6.3.** The withheld names must comply with the provisions described in Specification 5, Section 3.3 of the Registry Agreement.
- 6.4.** Registry Operator must offer registrars support for the Uniregistry EP service in EPP.
- 6.5.** Blocked labels do not prevent other rights holders of identical trademarks which are subscribers to the service from unblocking the label and registering the domain name.
- 6.6.** As part of the EP Plus Bundle service, domain names that can be withheld from registration by trademark right holders can be composed of confusingly similar variations of their marks in several languages and scripts. For each label in the SMD, variations are automatically calculated based on confusable characters defined by Unicode Consortium for these languages.

### **7. Registry Lock**

Registry Operator may offer the Registry Lock service, which is a registry service that allows an authorized representative from the sponsoring Registrar to request the activation or deactivation of any of the following EPP statuses: `serverUpdateProhibited`, `serverDeleteProhibited` and/or `serverTransferProhibited`

### **8. Bulk Transfer**

After Partial Portfolio Acquisition Bulk Transfer After Partial Portfolio Acquisition (“BTAPPA”) is a registry service available to consenting registrars in the circumstance where (i) one ICANN-accredited registrar purchases, by means of a stock or asset purchase, merger or similar transaction, a portion but not all, of another ICANN-accredited registrar's domain name portfolio in the TLD or (ii) a newly accredited registrar (gaining registrar) requests a transfer of all domain names from the losing registrar for which the gaining registrar has served as the reseller. Upon completion of the

transfer, the gaining registrar is the new sponsoring registrar. The gaining registrar must certify the BTAPPA would not otherwise qualify under ICANN's Transfer Policy.

At least fifteen days before completing a BTAPPA, the losing registrar must provide written notice of the bulk change of sponsorship to all domain name registrants for names involved in the BTAPPA. The notice must include an explanation of how the RDDS record will change after the BTAPPA occurs and customer support and technical contact information of the gaining registrar.

The losing registrar's existing Registration Agreement with customers must permit the transfer of domain names in the event of acquisition by another party. A single BTAPPA request may be submitted for transfers from multiple losing registrars provided they are Affiliated Registrars as defined by the 2013 or subsequent Registrar Accreditation Agreement.

The expiration dates of transferred registrations are not affected and, therefore, there are no ICANN fees. Once the BTAPPA is complete, there is no grace period to reverse the transfer.

Domain names in the following EPP statuses at the time of the BTAPPA execution shall not be transferred:

- Base statuses: pendingTransfer, pendingDelete.
- Redemption Grace Period ("RGP") statuses: redemptionPeriod, pendingRestore, pendingDelete.

Domain names that are within a grace period window are subject to BTAPPA, but Registry Operator may decline to provide a credit for those names deleted after the BTAPPA and prior to the expiration of the applicable grace period window.

Registry Operator must reject a BTAPPA request if there is reasonable evidence that a transfer under BTAPPA is being requested in order to avoid fees otherwise due to Registry Operator or ICANN. Registry Operator has discretion to reject a BTAPPA request if a registrar with common ownership or management or both has already requested BTAPPA service within the preceding six-month period.

## **9. Domains Protected Marks List (DPML)**

The DPML is a service that allows trademark rights holders to block certain labels from registration across multiple TLDs operated by the Registry Operator. The blocked names must comply with the provisions described in Specification 5, Section 3.3 of the Registry Agreement. Domain Names blocked by the DPML service will be either an exact match of a label or will contain an exact match of such labels, or may include domain names that are a misspelling or contain a misspelling of a label. Blocked labels do not prevent other trademark rights holders or DPML holders from unblocking the label and registering the domain name. In some instances, approval from the applicable DPML holder may be required for a third party with the same trademark to register the blocked name.

## **10. Dropzone Service**

Registry Operator may offer a Registry Service that will manage the release of domain names that have reached the end of their life cycle (such Registry Service, the “Dropzone Service”).

There is a separate system, parallel to the main EPP system, that will manage, on a daily basis, the release of domain names that have been purged for a short period of time (such separate system, the “Dropzone” and such short period of time, the “Dropzone period”). Any ICANN-accredited registrar may use the Dropzone to register a recently purged domain name.

On a daily basis, at the end of the Dropzone period, Registry Operator will execute an awarding process, which will select, per domain name, the first domain creation request submitted on a first come, first serve basis.

## **11. Label Blocking Service**

Label Blocking is a service that allows rights holders to block certain labels from registration. The blocked domain names must comply with the provisions described in Specification 5, Section 3.3 of the Registry Agreement.

Domain names blocked by the Label Blocking Service will be either an exact match of a label or will contain an exact match of such labels, or may include domain names that are a misspelling of, or contain a misspelling of a label. Where two or more parties have verified rights for the same label or string, and one party wishes to unblock the label to register an associated domain name, approval will be required from the other rights holder(s).”

[END OLD TEXT]

The parties hereby further agree to amend Exhibit A of the Agreement by replacing the deleted sections above with the following new text as new sections 3, 4, 5, 6, 7, 8, 9 and 10:

[START NEW TEXT]

## **3. Internationalized Domain Names (IDNs)**

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[END NEW TEXT]

Each party hereby acknowledges and agrees that this Amendment shall not be construed as a waiver of any provision of the Agreement by any party hereto, nor shall it in any way affect the validity of, or the right of any party hereto, to enforce the provisions of the Agreement. The parties agree that, except as set forth in this Amendment and any prior duly authorized and executed amendments, the current terms and conditions of the Agreement will remain in full force and effect. All capitalized

terms not defined will have the meaning given to them in the Agreement. This Amendment may be executed in counterparts, each of which shall be deemed an original, and all of such counterparts taken together shall constitute one and the same instrument.

**ACCEPTED AND AGREED:**

**INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS**

By: \_\_\_\_\_  
Theresa Swinehart  
Senior Vice President, Global Domains and Strategy

**DOG BEACH, LLC**

By: \_\_\_\_\_  
Alvaro Alvarez  
Manager of its Sole Member