

## **Amendment No. 1 to Registry Agreement**

The Internet Corporation for Assigned Names and Numbers and Comunidad de Madrid agree, effective as of \_\_\_\_\_ (“Amendment No. 1 Effective Date”), that the modification set forth in this amendment No. 1 (the “Amendment”) is made to the 01 May 2014 **.madrid** Registry Agreement between the parties, as amended (the “Agreement”).

The parties hereby agree that Specification 12 of the Agreement is hereby deleted in its entirety and replaced with a new Specification 12 as set forth in Appendix I to this Amendment.

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

#### **COMUNIDAD DE MADRID**

By: \_\_\_\_\_  
Elena Liria Fernández  
Consejera Delegada de la Agencia

## Appendix I

### **SPECIFICATION 12**

#### **Community Registration Policies**

Registry Operator shall implement and comply with all community registration policies described below and/or attached to this Specification 12. In the event Specification 12 conflicts with the requirements of any other provision of the Registry Agreement, such other provision shall govern.

#### **Eligibility**

Two types of conditions must be fulfilled for the right to register a TLD name. These are:

(A) community membership (bona fide presence in the Madrid area) and

(B) the additional requirements that:

- i. the presence in the Madrid area and use of the domain are generally accepted as legitimate;
- ii. the presence in the Madrid area and use of the domain are conducive to the welfare of the Madrid area;
- iii. the presence in the Madrid area and use of the domain are commensurate to the role and importance of the domain; and
- iv. the presence in the Madrid area and use of the domain are based on good faith at registration and thereafter.

These conditions must always be fulfilled. The strength of the validation is kept in line with the importance of the underlying domain name based on the assumption that a typical user would reasonably make.

To facilitate validation, registrants are required to state their intended use of the registered domain name. A false statement of intended use is an indication of bad faith and can be the basis for the suspension of the domain name.

The validation may be assisted through pre-identification of potential registrants using existing community channels, in particular through promotion codes.

After the launch phase, the validation mode goes from pre-validation to post-validation and later to statistically targeted random validation, backed up by an ongoing enforcement program.

The validation and enforcement programs are supported by an integrated issue tracking system. This system allows validating agents and personnel to cooperate and interact with the registrant. The system keeps track of decisions made by the agents and stores supplemental documentary evidence that may be supplied by the registrants.

## **Name Selection**

The fundamental rule on which name selection is based is part of the policy principles: the registrant's presence in the Madrid area and use of the domain must be commensurate to the role and importance of the domain registered.

The role and importance of the domain name is based on the meaning an average user would reasonably make in the context of that domain name.

This criterion also applies to the strength of the documentation or proof required of the registrant.

Pre-definition of the name space, especially names with significance for the Madrid area from a public service or public interest standpoint, is developed through special programs with strong selection processes, based on proposals made by parties interested in providing content on such domain names. This process not only covers the identity and legitimacy of the party entrusted with the operation of the domain(s), but also defined obligations with respect to the content to provide for the benefit of the public.

## **Content/Use Restrictions**

Not only the registrant's Madrid presence but also the use of the domain must be:

- i. generally accepted as legitimate;
- ii. conducive to the welfare of the Madrid area;
- iii. commensurate to the role and importance of the domain; and
- iv. based on good faith at registration and thereafter.

This will be verified according to:

- i. the intended use statement supplied by the domain registrant at the time of registration (or possibly updated later)
- ii. the ongoing enforcement program.

## **Enforcement**

The purpose of the enforcement program is to protect the credibility of the TLD for its local and international public. In particular, the enforcement program upholds the community-based purpose of the TLD and helps prevent misuse or malicious behaviour.

The enforcement program is based on statistically targeted random investigations and on a complaint follow-up process. The statistical targeting is strongly automated and involves the use of search engines and the analysis of registry data related to behaviour of registrants.

Depending on the type of misuse to be investigated, web site content or content sent to victims of abuse will be reviewed and analyzed by investigators.

Enhanced investigation takes place if the registrant has a bad track record in terms of compliance with the rules of the TLD. Other violations of public record (such as UDRP or URS cases) will also be taken into account.

If the intended use cannot be deemed legitimate or has a negative impact on the welfare of the Madrid area, the registration is rejected. If content or use of an existing domain name demonstrate that the registrant has shown bad faith by stating a false intended use, the domain name is suspended.

If a registrar is complicit with systematic violations of the TLD policies or causes an unacceptable burden for the validation and enforcement programs by negligence, the Registry Operator can restrict that registrar's access to the new registrations, subject its inventory of domain names to enhanced investigation and require it conduct its own post-validation program.

An appeals process is available for all administrative measures taken in the framework of the enforcement program. The first instance of the appeals process is managed by the registry service provider. The Region of Madrid provides the second and last instance of an appeals process by itself or entrusts it to an alternative dispute resolution provider. The charter of the appeals process is promulgated by the Region of Madrid.