

## Code of Conduct Exemption Process

### Exemptions from the Code of Conduct

Registry Operators that are able to demonstrate to ICANN that they meet certain criteria may qualify for an exemption from the requirements of the “Registry Operator Code of Conduct,” as set forth in Specification 9 of the Registry Agreement (“Code of Conduct”). Specifically, Section 6 of the Code of Conduct provides:

*Registry Operator may request an exemption to this Code of Conduct, and such exemption may be granted by ICANN in ICANN’s reasonable discretion, if Registry Operator demonstrates to ICANN’s reasonable satisfaction that (i) all domain name registrations in the TLD are registered to, and maintained by, Registry Operator for the exclusive use of Registry Operator or its Affiliates, (ii) 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 (iii) application of this Code of Conduct to the TLD is not necessary to protect the public interest.*

The exemption contemplated in Section 6 is intended only for TLDs in which a Registry Operator maintains all registrations for its own use or the use of its affiliates (as “affiliates” is defined in Section 2.9 [c] of the Registry Agreement). The rationale being, because the purpose of the Code of Conduct is to protect a TLD’s registrants, there is no need for such protection if all of the domain names in a TLD are registered exclusively to the Registry Operator or its affiliates.

### Exemption Request Process

An exemption request from compliance with the Code of Conduct (an “Exemption Request”) may be submitted to ICANN at any time after the applicant has been invited by ICANN to begin the contracting process. The Exemption Request must (1) be submitted to ICANN in writing, (2) include a copy of the Registry Operator’s complete registration policy for the TLD and (3) should be in a form substantially similar to the sample Exemption Request attached hereto as Exhibit 1. The Registry Operator must explicitly commit to maintaining the conditions specified in its Exemption Request, and must notify ICANN immediately of any changes in circumstances that could affect the Registry Operator’s satisfaction of the stated exemption criteria, including changes to the Registry Operator’s registration policies.

If the Exemption Request is submitted to ICANN after the delegation of the TLD to nameservers designated by the Registry Operator into the root-zone (“Delegation”), the Registry Operator must warrant in the Exemption Request that all domain names registered in the TLD are registered to and maintained by Registry Operator or its affiliates for their own exclusive use. ICANN reserves the right to review the TLD zone files and registration data for the TLD to verify such statements.

ICANN’s consideration of an Exemption Request may take place in parallel to any Registry Agreement negotiations the Registry Operator is conducting with ICANN, and is independent of the contracting process. Execution of a Registry Agreement need not be delayed to process an Exemption Request, as an Exemption Request can be approved either before or after execution of the Registry Agreement. However, if submitted after Delegation, the

Registry Operator must adhere to the provisions of the Code of Conduct until such time as the Exemption Request is approved by ICANN.

### **Consideration of the Exemption Request**

ICANN's approval of an Exemption Requests will be provided only upon Registry Operator's demonstration and satisfaction of **all three** of the following criteria:

- i. all domain name registrations in the TLD are registered to, and maintained by, Registry Operator for the exclusive use of Registry Operator or its affiliates;*
- ii. 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*
- iii. application of the Code of Conduct to the TLD is not necessary to protect the public interest.*

All criteria will be assessed primarily on the Registry Operator's representations provided in its Exemption Request. However, ICANN may seek additional information from the Registry Operator and may investigate the validity of any statements provided in the Exemption Request.

In most instances, satisfaction of criteria (i) and (ii) will indicate the lack of a public interest concern because compliance with the Code of Conduct in such cases would only serve to protect the Registry Operator from itself. However, in determining whether there is a public interest concern, ICANN will be guided by its Mission and Core Values as specified in its Bylaws.

In such event, ICANN may elect to post the applicant's Exemption Request for public comment so that it may make an informed determination as to whether applying the Code of Conduct is necessary for the protection of the public interest.

### **Responding to the Exemption Request**

ICANN will review and respond to Exemption Requests on a timely basis. If ICANN has questions or concerns or is otherwise not prepared to approve the Exemption Request, ICANN will respond with an explanation or request for additional information. Should the Exemption Request be approved, ICANN will issue a "Notice of Exemption" to the Registry Operator.

The Notice of Exemption shall at all times remain contingent upon the Registry Operator's strict compliance with the representations made in its Exemption Request and its satisfaction of the requirements of Section 6 of the Code of Conduct. Registry Operator must notify ICANN promptly in writing in the event of any change to its operation of the TLD that would require compliance with the Code of Conduct, and acknowledges that in such event it shall immediately adhere to all requirements of the Code of Conduct, notwithstanding any previously provided Notice of Exemption.

Should the Exemption Request not be approved, ICANN will inform the Registry Operator as to the reason for the rejection and explain whether the Exemption Request is eligible for resubmission.

## Exhibit 1

### **Code of Conduct Exemption Request Form**

Internet Corporation for Assigned Names and Numbers (“ICANN”)  
12025 Waterfront Drive, Suite 300  
Los Angeles, California 90094  
Attention: New gTLD Program Staff

RE: Request for Exemption from Registry Operator Code of Conduct

Pictet Europe SA (“Registry Operator”), in connection with the execution of the Registry Agreement for the .PICTET TLD (the “Registry Agreement”), hereby requests 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:

The “.pictet TLD” will be a totally private TLD. There will be no registrant except Pictet or members of the Pictet family. In the latter case, family members will only be a license to use, but those domain names will remain under Pictet’s property and management at all times.

Pictet’s dotbrand TLD’s mission is to support Pictet’s web communication exclusively and its internet presence dimension. The objective of Pictet is not to become a registry or to generate new sources of revenue by selling domain names.

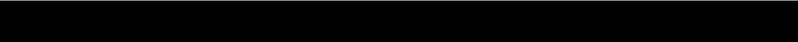
Eligibility is the central requirement to apply to and be awarded the use of a “.pictet” domain name. It is therefore necessary that underline the eligibility requirements for registration of a “.pictet” domain name, and maintain its eligibility throughout the term of the authorization to use.

Are eligible to a “.pictet” domain name the following:

- Pictet & Cie and its subsidiary for commercial usage
- Members of the Pictet family bearing this last name for private usage

For the above reasons, we consider that Pictet can be exempted of the code of conduct.

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 

Position: \_\_\_\_\_

Date 



## **Schedule A**

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

[Registry Operator to attach registration policies for the TLD]

## Registration policy

Any entity will be able to submit a request for a domain creation according to eligibility requirements, terms and conditions as defined below. The GCC (Group Corporate Communication) department will be the sole point of contact for internal and external parties submitting a request to use the “.pictet”.

The “.pictet” domain names allocation committee will analyse and evaluate requests for the TLD usage.

The committee members will be:

- Jacques de Saussure, senior partner
- Frank Renggli, head of Group Corporate Communications Geneva
- Jean-Pierre Therre, Director security & Group Managing Director
- Alexandre Heinrichs, head of Digital Communications
- Riccardo Bonferroni, senior web publisher
- Jérôme Wymann, product manager pictet.com

The registration process will last between 1 and 8 weeks from submission according to the “.pictet” committee meetings schedule. Registration policies will differ by user groups as detailed below.

### Internal usages

The committee will define a list of domain names Pictet to be created for the transition of the existing webpages to the new architecture. Selected geographic names will also be protected upon the allocation of the “.pictet” TLD.

The registry operator will ensure a Trademark Claims service during the start-up phase as provided in the registry agreement. These mechanisms will be supported by the established Trademark Clearinghouse as indicated by ICANN.

For new domain names requests from internal users, the following procedure will be applied:

1. Request to be addressed to the GCC department via email
2. Analysis and evaluation by the “.pictet” committee
3. Unanimous validation of the decision by the “.pictet” committee
4. If request accepted, setup by the GCC department in coordination with the technical providers

### Family members

The following procedure will be applied:

1. Request by a family member to be addressed to the GCC department via mail;

## .PICTET

2. Analysis and evaluation by the “.pictet” committee in coordination with the business partner’s Pictet point of contact;
3. Unanimous validation of the decision by the “.pictet” committee;
4. Analysis and evaluation by two members of the Pictet family; namely Ivan Pictet (former Senior partner) and Stéphane Pictet (Web Entrepreneur);
5. Unanimous validation by Ivan Pictet and Stéphane Pictet;
6. If the proposition is accepted, setup by the GCC department in coordination with the technical providers.

### **Distributors and business partners**

#### *Case 1: Demand coming from a business partner*

The following procedure will be applied:

1. Request by a business partner to be addressed to the communication department via mail;
2. Analysis and evaluation by the “.pictet” committee in coordination with the business partner’s Pictet point of contact;
3. Unanimous validation of the decision by the “.pictet” committee;
4. If the proposition is accepted, setup by the communication department in coordination with the technical providers.

#### *Case 2: Proposition from the bank to a business partner*

The following procedure will be applied:

1. Request by a Pictet employee addressed to the communication department via mail
2. Analysis and evaluation by the “.pictet” committee
3. Unanimous validation of the decision by the “.pictet” committee
4. Proposition to the business partner
5. Acceptation or refusal of the proposition to be addressed to the “.pictet” committee
6. If the proposition is accepted, setup by the communication department in coordination with the technical providers