Frequently Asked Questions

1) Please clarify how the planned third party verification of contact information for the domain name registrant will be implemented and enforced.

Answer: There is a very important issue that trademark owners must understand—there is a difference between verifying WHOIS data and verifying the registrant of a domain name is who they say they are. ICM will verify the contact details of prospective registrants and try to verify their identity, where feasible, but will not verify WHOIS data.

ICM registry will have a procedure for verifying prospective registrants. ICM has contracted with 192.com via a CRM system which amongst others interfaces with Dunn & Bradstreet and Experian for corporate and personal identity verification services respectively.

For a company, the verification agent will check the company information against their databases. If they can confirm the company information, they will approve the company to register names. If they cannot confirm the company, but the company submits a verifiable email address and telephone number, ICM will send the prospective registrant a PIN number using a real time outgoing call system that they must be able to receive and then use that PIN to confirm their contact details.

For individuals the Validation Agents will attempt verify the address and matching identity of the registrant, where possible, and in all cases they will send the registrant a pin number by automatic real time telephone calls that the registrant must use to verify their status.

N.B. The verification PIN is needed for the ability to have a resolving domain name, but NOT to register a non resolving domain name.

2) If it is determined that false contact information was provided, what, if any, action will be taken to purge the domain name registration or require updating to legitimate contact information?

Answer: Again, there is a distinction between false WHO-IS information (covered by ICANN policy) and false authentication information submitted to ICM for eligibility to register resolving domain names.

ICM will NOT be actively monitoring the WHO-IS data. Registrars will be permitted to offer privacy services for registrations. The ICM T&C’s will require a confirmation that the information submitted to the registry is accurate. If that is not the case, the registry reserves the right to revoke, suspend or cancel any and all registrations held by that registrant.

3) As .XXX URLs cannot be held by entities not engaged in the adult industry, how will domain names ordered transferred through UDRP proceedings or litigation be
handled in lieu of transfer to the Complainant when Complainant is not in the industry? Is there a way to order that the URL be put into the blocked domain names database?

Answer: There is no way to retroactively put a domain into the blocked name list. Blocked names are not actually considered registrations; they are names that are not allowed to be registered. There is a post-launch service that will permit NON-RESOLVING domain name registrations. So transfers under the UDRP would involve the Complainant registering the transferred domain as a “non-resolver”

4) How does ICM Registry intend to monitor if the owner of a URL is using the domain name in connection with an adult industry site, as required? Further, if the registrant is not fulfilling the requirement, what action(s) will be taken?

Answer: There is no requirement concerning what use any .xxx domain is put to. The requirement is that the registrant is a member of the defined Sponsored Community. If the registry decides that any name has been registered in breach of the charter it can suspend, revoke or cancel any registration. Further, other parties can challenge someone eligibility under the CEDRP.

5) ICM’s website indicates that ICM “does not envisage” charging further fees other than a one time, initial fee for string blocking registrations. What assurances can be provided that further fees will not be charged to IP rights owners?

Answer: This has been clarified in the latest Launch Policies and is now referred to as permanent subject to ICANN not changing our contractual terms and imposing charges on these names (very unlikely)

6) Can multiple close variations of a given mark be part of a single string blocking registration? For example, could a rights holder get multiple variations of a mark such as barnesandnoble, barnesnoble, barnes-noble based on the BARNES & NOBLE mark? If you can secure multiple variations within a string, is the string covered by one single fee or would the rights holder have to pay separate fees for each element of the string? If multiple fees are charged, are there any price breaks available to the rights holder?

Answer: A trademark owner can only apply for a blocking registration on an exact match of their trademark. Trademarks with extra characters, like the Barnes & Noble, will support different domain names, based on the rules in the Launch Policies. If the trademark owner in this example wants to block barnesandnoble.xxx, barnes-noble.xxx and barnesnoble.xxx, the trademark owner will need to submit a separate blocking application for each domain they wish to block and pay a separate fee for each block.

7) Is it possible to secure an IP Block after the initial sunrise launch period, and if so, what are the procedures for doing so?

Answer: NO, IP Block is a unique service only available as part of the registry launch during the sunrise period. A trademark owner could, however, register a non resolving name after the
sunrise period. This will entail applying to register a name [not sure of the process here] and will necessitate the payment of both a registration fee and an ongoing, annual fee.