

.US – Terms and Conditions

In addition to your registration agreement, the .US Administrator-Registrar Agreement (“**ARA**”) terms and conditions set out here shall apply. In the event of any inconsistency between the terms of your registration agreement and the terms set out here, the ARA terms shall prevail.

1. Each registrant certifies that it has, and shall continue to have, a lawful bona fide U.S. Nexus in order to qualify to register and maintain its use of a registered name.
2. Each registrant agrees to indemnify, defend and hold harmless the usTLD Administrator, and its directors, officers, employees, representatives, agents, affiliates, and stockholders from and against any and all claims, suits, actions, other proceedings, damages, liabilities, costs and expenses of any kind, including without limitation reasonable legal fees and expenses, arising out of or relating to the registrant’s (i) domain name registration and (ii) use of any registered name. This indemnification obligation shall survive the termination or expiration of the registration agreement.
3. Registrants shall comply with the following:
 - a. Any U.S. Department of Commerce (“**DoC**”) standards, policies, procedures, and practices for which the usTLD Administrator has monitoring responsibility in accordance with the usTLD a agreement by and between the usTLD Administrator and the DoC dated October 26, 2001, for the administration and operation of the usTLD (the “**usTLD Agreement**”) or any other arrangement with the DoC and/or ICANN, including without limitation ICANN policies pertaining to open county code TLDs (unless otherwise provided in the usTLD Agreement); and
 - b. Operational standards, policies, procedures, and practices for the .us TLD as set forth in the usTLD Agreement, and as established from time to time by usTLD Administrator and approved by the DoC in a non-arbitrary manner and consistent with DoC’s standards, policies, procedures, and practices. Among usTLD Administrator’s current operational standards, policies, procedures, and practices are those set forth below in clauses 3(b)(i) and (ii) .
 - i. The registrant will ensure that the information provided in the domain name registration application is true, correct, up to date and complete.
 - ii. The registrant certifies that to the best of his, her or its knowledge, it has the authority to enter into the registration agreement and meets all the US Nexus Requirement set forth in Appendix A.

Appendix A

US Nexus Requirement

Registrants in the usTLD must be either:

1. A natural person (i) who is a United States citizen, (ii) a permanent resident of the United States of America or any of its possessions or territories, or (iii) whose primary place of domicile is in the United States of America or any of its possessions [Nexus Category 1], or
2. An entity or organization that is (i) incorporated within one of the fifty (50) U.S. states, the District of Columbia, or any of the United States possessions or territories or (ii) organized or otherwise constituted under the laws of a state of the United States of America, the District of Columbia or any of its possessions or territories [Nexus Category 2], or
3. An entity or organization (including a federal, state, or local government of the United States, or a political subdivision thereof) that has a bona fide presence in the United States of America or any of its possessions or territories. [Nexus Category 3]

Prospective registrant will certify that they have a “bona fide presence in the United States” on the basis of real and substantial lawful contacts with, or lawful activities in, the United States of America. This requirement is intended to ensure that only those individuals or organizations that have a substantive lawful connection to the United States are permitted to register for usTLD domain names.

It shall be a continuing requirement that all usTLD domain name registrants maintain the US Nexus Requirement.

To implement the Nexus requirement, Neustar will:

- Require that Registrars certify that they enforce the nexus requirements upon their registrants and that they require that their registrants to certify that they meet the nexus requirement.
- Conduct a scan of selected registration request information to provide a “veracity check” of the information.
- Conduct “spot checks” on registrant information.

Information Collected From Registrants

To register a name, registrants, through their registrars will be required to provide basic registration information to the Registry. The minimum required information is:

- The domain name registered;
- The IP address and corresponding names of the primary and secondary name servers for the registered name;
- The registrar name and URL or, where appropriate, the identity of the delegated manager under which the name is registered;

- The original creation date and term of the registration;
- The name and postal address of the domain name registrant;
- The name, postal address, e-mail address, voice telephone number, and (where available) fax number of the name holder for the name registered;
- The name, postal address, e-mail address, voice telephone number, and (where available) fax number of the technical contact for the name registered; and
- The name, postal address, e-mail address, voice telephone number, and (where available) fax number of the administrative contact for the name registered.

In addition to the above information, registrants will be required to provide certain additional Nexus Information. Except where it is noted below that a registration will be denied if information is missing, failure of a registration to satisfy Nexus will result in the name being placed upon a 30-day hold during which time the registrar will be notified and given the opportunity to correct the information with the registrant. If no action is taken by the registrar within the 30-day period, the registration will be cancelled and the name will be returned to available status. The registration fee will not be refunded. If, on the other hand, the registrant is able to demonstrate compliance with the requirement and the information is corrected, the hold will be released and the name will be registered.

- Certification that Registrant satisfies nexus requirement -- if not completed, then registration will be rejected;
 - Basis for compliance (Nexus Category 1, 2, or 3) -- if not completed, then registration will be rejected;
 - Certification that the listed name servers are located within the United States – if not completed, then registration will be rejected.
- If Nexus Category 1

A natural person (i) who is a United States citizen, (ii) a permanent resident of the United States of America or any of its possessions or territories, or (iii) whose primary place of domicile is in the United States of America or any of its possessions.

- statement of citizenship or legal permanent residency – if not completed then registration will be rejected
 - address of primary place of domicile if different from the name holder contact information provided above.
- If Nexus Category 2

An entity or organization that is (i) incorporated within one of the fifty (50) U.S. states, the District of Columbia, or any of the United States possessions or territories or (ii) organized or otherwise constituted under the laws of a state of the United States of America, the District of Columbia or any of its possessions or territories.

- Type of entity (Corporation, Partnership, sole proprietorship, etc.)
- Jurisdiction of Incorporation or Registration (State, City and County, Territory, etc.)

- If Nexus Category 3

An entity or organization (including a federal, state, or local government of the United States, or a political subdivision thereof) that has a bona fide presence in the United States of America or any of its possessions or territories.

- If foreign entity, Applicant must state country of citizenship.
- Check from category list, basis for compliance with Nexus requirement – regularly sells goods in the United States; regularly provides services in the United States; regularly engages in business activities, trade or other business (commercial or non-commercial including not-for-profit) relations in the United States; maintains an office or other property within the United States

Category 3 Nexus Certification Prospective Registrants will certify compliance with Category 3 Nexus based upon substantial lawful contacts with, or lawful activities in, the United States.

Factors that should be considered in determining whether an entity or organization has a bona fide presence in the United States shall include, without limitation, whether such prospective usTLD domain name registrant:

- Regularly performs lawful activities within the United States related to the purposes for which the entity or organization is constituted (e.g., selling goods or providing services to customers, conducting regular training activities, attending conferences), provided such activities are not conducted solely or primarily to permit it to register for a usTLD domain name and are lawful under the laws and regulations of the United States and satisfy policies for the usTLD, including policies approved and/or mandated by the DoC;
- Maintains an office or other facility in the United States for a lawful business, non commercial, educational, or governmental purpose and not solely or primarily to permit it to register for a usTLD domain name.