



.kiwi Complaint Resolution Service

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Version 1.0

Dot Kiwi Limited

.kiwi Complaint Resolution Service

This Complaint Resolution Service (CRS) is part of the Registry Policies, which form a cohesive framework and must be read in conjunction with one another, as well as with other applicable agreements, policies, laws, and regulations which, taken together, represent together the entirety of the obligations and responsibilities with regard to any domain name registration.

Ordinarily, the Registry is unable to simply suspend a domain name where another member of the public complains or takes issue with the use to which a domain name is being put. A concerned member of the public always has the right to contact the domain name Registrant directly to bring any concerns to their attention.

If such direct contact is not possible or advisable (it may be a sensitive concern after all), or if after doing so, there is still a concern that the registration or use of a domain name in the .kiwi TLD (the “TLD”) is illegal, abusive, infringes the rights of others, is otherwise in violation of the Registry Policies, or is allegedly otherwise in violation of the law, we provide the CRS, through which anyone may register a complaint.

The CRS provides a transparent, efficient, and cost effective way for the public, including law enforcement, and regulatory bodies to submit complaints or report concerns regarding the registration or use of a domain name in the TLD.

Managed through the Dot Kiwi Limited (“the Registry”) Abuse Point of Contact and a corresponding webform, the CRS provides a procedure for reporting and, where appropriate, addressing alleged illegal or prohibited conduct effected through a domain name in the TLD; prohibited conduct includes, but is not limited to: inaccurate Registrant Whois information; that a domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting, or activity otherwise contrary to applicable law. The CRS framework employs immediate action to protect the public interest.

The CRS is not intended to replace courts or ICANN-mandatory dispute resolution systems such as the UDRP (Uniform Domain Name Dispute Resolution Procedure) or URS (Uniform Rapid Suspension system), nor the Dispute Resolution Service provided by the Registry.

To submit a complaint or report a concern regarding the registration or use of a domain name in the TLD, please use the CRS Complaint form.

Complaints and reports of concern will be reviewed as follows.

Step One: Confirmation and Communication

The Abuse Point of Contact will review all complaints and reports of concerns regarding alleged criminal or otherwise illegal or prohibited conduct for compliance with the Registry Policies.

Upon receipt of any Complaint, the Abuse Point of Contact will “lock” the domain name and associated records until the Complaint is determined frivolous, resolved, withdrawn, or dismissed, or pursuant to a court order or reasonable request from law enforcement. A Complaint shall not exceed 1,000 words.

In the event of a report of alleged criminal or otherwise illegal or prohibited conduct requiring immediate action to protect the public interest, the Abuse Point of Contact will initiate an “Immediate Review of Request for Suspension in the Public Interest” (see Step Two below).

If the Abuse Point of Contact considers that the Complaint does not address a matter covered by the Registry Policies, is deficient, or is frivolous, the filing/complaining party (Complainant) will be promptly notified of the deficiencies identified. The Complainant has five (5) business days from the receipt of notification to correct the deficiencies and return the Complaint, failing which, the Abuse Point of Contact will deem the Complaint to be withdrawn and the domain lock will be removed. This will not prevent the Complainant from submitting a different Complaint in the future.

Step Two: Immediate Review of Request for Suspension in the Public Interest

On receipt of a Complaint or report of alleged criminal or otherwise illegal or prohibited conduct requiring immediate action to protect the public interest, the Abuse Point of Contact will initiate an “Immediate Review of Request for Suspension in the Public Interest” to determine, whether or not specifically requested by the Complainant, if a Critical Issue Suspension (CIS) is warranted.

A request for a CIS may be granted in cases where there is a compelling and demonstrable threat to the stability of the Internet, critical infrastructure, or public safety. A CIS does not terminate the Registrant’s rights or their domain name registration; it simply modifies the Name Server records in the zone, temporarily disabling resolution. Suspensions under the CRS, including a CIS, may be appealed to the Registry Abuse Point of Contact for resolution.

Absent compelling circumstances including, but not limited to, a court order or reasonable request from law enforcement, where the Abuse Point of Contact has activated a CIS, a suspension notice will be sent to the Registrant’s administrative contact with a copy to the Registrar, usually within 48 hours.

Step Three: Formal Notification of Complaint

Any Complaint alleging non-compliance with the Registry Policies must be submitted to the Abuse Point of Contact using the webform provided on the Registry’s website; all required fields must be complete, the Complaint must be signed electronically, and any fee required by the webform must be paid in advance of the Abuse Point of Contact attending to the complaint. The types of conduct that may be raised as the basis for a Complaint alleging non-compliance with the Acceptable Use Policy can be found on the Registry's website.

In the event that a Complaint alleging non-compliance with the Registry Policies is submitted to the Abuse Point of Contact, typically within five (5) business days of receipt of the Complaint, the Abuse Point of Contact will send a “Formal Notification of Complaint” including a copy of the Complaint, by email to the Respondent using the administrative contact details provided in the Whois for the domain name as well as to any other Registrant email addresses provided by the Complainant.

Either Party may provide an additional email address by notifying the Abuse Point of Contact; the Registrant may not, however, change the Registrant information for the domain name without mutual agreement of the parties or unless a settlement is reached.

.kiwi Complaint Resolution Service

Communications must be in English and any email attachments should be in a standard format, such as Microsoft Word or PDF, and should not exceed 10MB individually or 50MB together.

No communications regarding the complaint are to be directly between the Parties. All communications relating to the complaint are to be via the Abuse Point of Contact.

Except as otherwise decided by the Abuse Point of Contact in its sole discretion, all communications under the CRS shall be deemed received at the date and time on which the email or communication was sent as determined by the time zone of the Abuse Point of Contact; in case of doubt, however, it shall be the responsibility of the sending party to provide proof of transmission.

Step Four: Commencement of Complaint Resolution Proceedings

At the same time as the notification to the Parties (by email) of the commencement of a CRS proceeding, the Abuse Point of Contact will contact the parties to explain the confidential and non-binding nature of the CRS.

For the avoidance of doubt, the Registry may, in its sole discretion (including based on reports made to the Registry by third parties), suspend, transfer, or terminate a Registrant's service, including a domain name registration, for violation of any of the requirements or provisions of the Registry Policies on receipt of a complaint if the Registry believes (a) a violation has or may have occurred; and/or (b) suspension and/or termination may be in the public interest. Also, for the avoidance of any doubt, the Respondent may submit a Response, e.g., to provide information to the Registry as to any alleged noncompliance.

Step Five: the Response

Within fifteen (15) business days of the date of commencement of a CRS proceeding, the Respondent (i.e., the domain name Registrant) may submit a Response.

The Response must be submitted to the Abuse Point of Contact using the webform provided on the Registry's website; all required fields must be completed, and the Response must be signed electronically.

Using the Registry's webform, the Response shall:

- a) specifically dispute each alleged instance of non-compliance (the "grounds for the Complaint") raised by the Complainant that the Respondent wishes to rely upon to rebut the Complainant's assertions;
- b) indicate whether the Respondent wishes to be contacted directly or through an authorized representative—if the Respondent wishes to use an authorized representative, their contact details including email address must be provided;
- c) mention whether any legal proceedings have been commenced (even if terminated) in connection with the domain name(s) which is the subject of the Complaint; and
- d) not exceed 1,000 words or three (3) pages, whichever is less.

Once submitted, a copy of the Response will be forwarded to the Complainant and to the Respondent as soon as practicable. In the event there is no Response, the Complaint shall be

deemed closed; the Parties may however submit a new Complaint in the future, or a UDRP or URS or court claim.

Step Six: Reply by the Complainant

Within five (5) business days of receiving the Respondent's Response, the Complainant may submit a Reply to the Respondent's Response, which shall not exceed 1,000 words, (annexes may only be included with the permission of the Abuse Point of Contact). The Reply should be confined to answering any new points raised in the Response that could not have reasonably been foreseen when the Complaint was submitted.

Effect of Court Proceedings

If, before or during the course of proceedings under the CRS, the Abuse Point of Contact is made aware that legal proceedings have begun in or before a court or other body of competent jurisdiction, including but not limited to a URS or UDRP proceeding, and that such legal proceeding specifically relates to a domain name and conduct which is the subject of a Complaint, the CRS will be terminated.

The applicable fees with respect to proceedings under the CRS are \$ \$350 NZD, plus applicable taxes, for Complaints involving 1-5 domain names and only one Complainant. For Complaints involving 6 or more domain names, the Abuse Point of Contact will set a fee. Fees are calculated on a cost-recovery basis; the Registry does not intend profit from its administration of the CRS.

Should the complaint be upheld, the fees paid by the Complainant shall be refunded.

Exclusion of Liability

Neither the Registry employees, directors, officers, representatives, delegates, shareholders, agents, successors, and/or assigns or those of its affiliates shall be liable to a Party for anything done or omitted, whether (to the extent permitted by applicable law) negligently or otherwise, in connection with any proceedings under the CRS unless the act or omission is shown to have been intentionally done in bad faith.