

Registration Policy

May 25th, 2018



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Introduction

This Registration Policy sets forth the terms and conditions which govern the registration of .museum domain names. In this Registration Policy:

- a. "**Registrant**", "**You**" and "**Your**" refer to the individual or corporate entity which applies for or wishes to register a .museum domain name.
- b. "**Registry**", "**We**", and "**Our**" refer to Muse Doma International ("MDI"), as the body responsible for operating the .museum Top Level Domain.
- c. "**ICANN**" means the Internet Corporation for Assigned Names and Numbers.

1. Acceptance of this Registration Policy

- 1.1 By applying to register a .museum domain name, or by asking to maintain or renew Your domain name, You agree to be legally bound by:
 - a. This Registration Policy set forth by MDI, regularly updated by the latter;
 - b. The Registration Agreement provided by the sponsoring Registrar through which You applied for a .museum domain name; and
 - c. Any other policies mandated by ICANN and regularly updated by the latter.
- 1.2 You shall be solely liable for compliance of the registration and use of Your .museum domain name with the documents mentioned above.
- 1.3 We cannot guarantee that You will obtain the domain name requested, even if an inquiry indicates that such domain name is available at the time of Your application.

2. Registration of Your .museum domain name

2.1 Eligibility conditions

To register and renew a .museum domain name, You must be:

- a. An entity that is Museum, or
- b. A professional association of Museums, or
- c. An individual with an interest or a link with Museum profession and/or activity, or

- d. A Museum enthusiast.

2.2 "First come, first served" rule

Unless otherwise provided for in certain registration phases, the registration of domain names under the .museum top-level domain is handled on a "First come, first served" basis, i.e. Registrar requests are processed in chronological order of receipt.

2.3 Syntactic rules

Your .museum domain name shall be in accordance with the syntactic standards established by ICANN and MDI.

Numbers, letters, hyphens, and all of the characters used in "Latin script" character table are accepted, with the exception of accented and special characters.

2.4 Reserved names

The Registry can, and, under certain conditions, is required to exclude certain .museum domain names from registration.

2.4.1 Names reserved as required by ICANN

ICANN provides a list of reserved domain name categories that the Registry must exclude from registration, except under certain conditions.

These conditions are described in Specification 5 of the Registry Agreement.

2.4.2 Names reserved by the Registry Operator

We reserve, at Our sole discretion:

- a. the ability to make certain domain names unavailable for registration, or only allow them to be assigned under certain conditions.
- b. the right to determine the time and conditions under which said domain names may be registered and/or how they may be used.
- c. the right to publish or not to publish the list of reserved terms.

3. Use of Your .museum domain name

- 3.1 You are solely liable for the use and operation of Your domain name.
- 3.2 You will ensure that the use of Your .museum domain name:

- a. serves the interests of the international Museum community; and
- b. is based on good faith at the time of registration and thereafter.

3.3 Names which do not meet these requirements include those whose use may mislead or deceive the public. Furthermore, You undertake not to:

- a. use Your .museum domain name in violation of any third-parties' right, including intellectual property rights.
- b. use Your .museum domain name in a manner that is contrary to ICOM Code of Ethics for Museums.
- c. use Your .museum domain name to offer third level domain name registrations to third parties as a commercial registry operator type service.
- d. use Your .museum domain name to send unsolicited commercial advertisements in contradiction with the applicable legislation.
- e. distribute malware, abusively operate botnets, resort to phishing, piracy, violate intellectual property rights, use fraudulent or deceptive practices, counterfeit, or otherwise engage in any activity contrary to any applicable law.
- f. use Your .museum domain name for the sole purpose of selling it, reselling it or transferring it in some manner to applicants. Furthermore, You will not enable, contribute or willingly aid any third party to do so.
- g. use Your .museum domain name in a manner that may damage or bring into disrepute the name, image or reputation of MDI or ICOM, its partners and/or the .museum international Community.

4. Registry's rights and compliance

4.1 We reserve the right, at Our sole discretion, to:

- a. deny the registration of any .museum domain name in violation of the eligibility requirements set forth in article 2.1 above; and to
- b. suspend and/or delete any .museum domain name whose Registrant no longer complies with the .museum eligibility criteria as required in article 2.1.

Our decision to suspend the registration of Your .museum domain name

under this article may be challenged through the .museum Eligibility Restrictions Dispute Resolution Procedure ("ERDRP"). This procedure is described in Appendix 1 of the Registration Policy.

- 4.2 We reserve the right, at Our sole discretion, to deny, suspend and/or delete the registration of Your .museum domain name if:
- a. You fail to follow this Registration Policy, with particular respect to the provisions of article 3;
 - b. You provide inaccurate Contact Information, or fail to update it;

If We determine any lack of compliance, either in relation to this Registration Policy or to data accuracy, You will be contacted to clarify/correct the situation. If said lack of compliance is not solved within thirty (30) days, your domain name will be suspended for at least thirty (30) days, during which you may challenge our non-compliance decision on your domain name, in accordance with the Compliance Reconsideration Dispute Resolution Procedure ("**CRDRP**"). This procedure is described in Appendix 2 of the Registration Policy.

Unless the lack of compliance is corrected by this deadline, Your .museum domain name may be suspended for an additional period or deleted. In case of suspension and/or deletion of your .museum domain name under this article, You will not be reimbursed any registry fees.

- 4.3 We also reserve the right to deny, suspend, modify the status, delete and/or transfer any registration that We deem necessary
- a. to protect the integrity, security, and stability of the .museum Registry;
 - b. to avoid any liability on the part of MDI, its agents, officers, directors, representatives and employees;
 - c. to comply with all applicable laws and regulations, or with any dispute resolution process;
 - d. to comply with any order from a Court of competent jurisdiction.

5. Dispute resolution

You adhere and agree to comply with all ICANN and MDI policies and procedures for resolution of disputes concerning Your .museum domain name. You agree in particular to submit to the following Dispute Resolution Policies:

- a. The Uniform Domain Name Dispute Resolution Policy ("UDRP") adopted by ICANN, which can be found at

<http://www.icann.org/en/help/dndr/udrp/policy> and is incorporated into this Registration Policy by reference. Any third-party challenge to Your .museum domain name registration following UDRP Proceedings will be conducted according to the Rules available at <http://www.icann.org/en/dndr/udrp/uniform-rules.htm>, and the selected administrative-dispute-resolution service provider's supplemental rules; and

- b. The Uniform Rapid Suspension ("URS") Policy and URS Procedure adopted by ICANN, which can be found at <http://newgtlds.icann.org/en/applicants/urs>, as well as to any other dispute policies that may be mandated by ICANN.

6. Accuracy of Your contact information

6.1 You will provide all the required information to register the domain name, as well as complete and accurate contact details from individuals or corporate entities associated with the domain name records, as required by the registration process, including:

- a. Your full name and/or the name of your organization, postal address, e-mail address, voice telephone number, and (where available) fax number;
- b. The full name, postal address, e-mail address, voice telephone number, and (where available) fax number of the technical contact for the registered name;
- c. The full name, postal address, e-mail address, voice telephone number, and (where available) fax number of the administrative contact for the registered name; and

All of the data referred to in this Section 6.1 shall be referred to as "**Contact Information**" or "**Personal Data**". Providing Contact Information is mandatory in order to register a domain name.

6.2 You shall immediately correct and update the Contact Information during the term of the domain name registration.

6.3 With respect to third-party individuals (such as administrative and technical contacts) whose Contact Information You may provide the Registry with (via Your Registrar), You warrant that You have informed them:

- a. of the intended uses and recipients of their Contact Information,
- b. of the means allowing them to access and, if necessary, modify the

Contact Information We hold about them via Your Registrar.

You also represent and guarantee that you have obtained from such third-party individuals the corresponding consent to process their Personal Data in accordance with this Registration Policy.

7. Protection of Your personal data

New on May 25th, 2018

7.1 Personal Data processing – Information – Exercise of the Data subject rights

The processing of Personal Data carried out for domain name operations falls under two categories of processing according to their main respective purposes:

- ✓ The processing of personal data by the Registrar for the provision of services on the domain names.

Your Personal Data are collected and processed by the Registrar where your domain name is registered. In the context of the processing of Personal Data that it operates, your registrar is the data controller with whom you exercise your personal rights (right of access, right of rectification and right of objection for legitimate reasons...).

- ✓ The processing of Personal Data by MDI and Afnic, joint controllers, for the administration of the naming zone in question. Regarding this kind of Personal Data processing, MDI and Afnic jointly determine the purposes and means of processing.

Concerning the processing of Personal Data for the administration of the naming zone, MDI will collect Your Personal Data from the sponsoring Registrars. For the purpose of administrating the naming zone, Your Personal Data are in particular:

- Processed by MDI, Afnic and their services providers to provide registry services, as required by ICANN;
- For legal entities registrants, made publicly available through the Whois database service, via which the Contact Information can be consulted by anybody with access to the Internet;

MDI owns the rights to the "Whois" database; providing the registry services, Afnic has a right to use the "Whois" database. MDI cannot be held liable for the abusive use by third parties of the identification data that it holds, with particular reference to the data held in the "Whois" database.

- Sent to a Data escrow provider, in compliance with the provisions of

the Registry Agreement.

- d. Additionally, Your Contact Information may be made available to ICANN for inspection and to third parties in the terms and conditions defined below.

It is up to both MDI and Afnic, on the one hand, and the Registrar, on the other hand, to comply with the provisions resulting from the regulations in force applicable to the processing of personal data and, in particular, Regulation (EU) 2016/679 of the European Parliament and the Council of 27 April 2016 applicable from 25 May 2018 (hereinafter "the European Data Protection Regulation" or "GDPR"), with particular respect to their relations with applicants or registrants of domain names.

MDI and Afnic, on the one hand, and the Registrar, on the other hand, are each the data controllers for the processing they perform. Each is the recipient of Personal Data processed by the other for the purposes of its own processing operations.

The Data subjects concerned by processing have personal rights (access, rectification, opposition, etc.) that they can exercise with Afnic or the Registrar as the case may be. Afnic or the Registrar facilitates the exercise of these rights for the Data subjects.

The personal rights and the methods with which they are exercised are described by Afnic or the Registrar on their respective websites with regard to the processing for which they are responsible.

Both MDI and Afnic, on the one hand, and the Registrar, on the other hand, provide Data subjects, by all relevant means and media, with information and communications on their respective processing of Personal data in clear and simple terms guaranteeing the processing is fair and transparent.

7.2 Confidentiality – Restricted information

MDI and Afnic will ensure the security and confidentiality of the Contact Information collected, and protect the latter from loss, misuse, unauthorized disclosure, alteration or destruction.

The very relevance of the "Whois" database is such that all the information relating to domain name registrants, whether they are individuals or corporate entities, must be distributed online and be available to everyone. Nevertheless, in compliance with the provisions resulting from the regulations in force applicable to the processing of Personal Data and, in particular, the GDPR, when a domain name is registered by an individual, the registrant may opt by default for the "restricted distribution" option.

When this option is chosen, no Personal Data is distributed online within the Whois database.

Personal Data required for domain name registrations may be disclosed, however, by Afnic for MDI:

- ✓ Further to a decision in ex parte proceedings or legal requisition, it being understood that there is no need to bring proceedings against Afnic in order to obtain such information;

- ✓ on request from an authority with a right of communication (the General Directorate for Competition Policy, Consumer Affairs and Fraud Control (DGCCRF), the customs authorities, the Treasury, etc.);
- ✓ as part of a request for the disclosure of Personal Data using a form called a "[Request for the disclosure of personal data](#)" which is available on the .museum website. The disclosure of Personal Data is not automatic; in particular Afnic reserves the right not to grant the request, depending on the status of the applicant or the ultimate purpose.
- ✓ as part of ICANN and MDI procedures for resolution of disputes concerning Your .museum domain name.

8. Registrant liability

You will hold MDI harmless against any third-party claims, complaints, actions, and objections arising from or in connection with any .museum domain name rights, registrations, uses, or transfers of .museum domain names.

Consequently, you will be liable for the costs of any damages awarded against MDI further to litigation, preliminary proceedings, or any other claims, including the costs incurred in defending its interests and counsel fees.

9. Policy modifications

We reserve the right to modify this Registration Policy at any time.

We will post any new versions of the Registration Policy on Our website, available at www.welcome.museum, at least thirty (30) days before it becomes effective.

10. Miscellaneous

10.1 Governing law and jurisdiction

This Registration Policy is governed by French law.

Any complaints that may arise from the interpretation or execution of this Policy shall be resolved by the competent authorities of the Courts of Paris.

10.2 Language

This Registration Policy was drafted in French and English.

In the event of any difficulty in interpreting the terms of this Policy, only the French version shall prevail between the parties.

11. Glossary

- ✓ « **Afnic** » : refers to l'Association Française de Nommage Internet en Coopération. Afnic provides registry services for .museum in its capacity as delegate of the .museum gTLD for MDI.
- ✓ "**Data escrow provider**": refers to the data deposit agent that provides data escrow services described in Specification 5 of the Registry Agreement.
- ✓ "**Domain name**": refers to a character string registered in the .museum top-level domain.
- ✓ "**ICOM**": refers to the International Council of Museums (www.icom.museum)
- ✓ "**ICOM Code of Ethics for museums**": refers to the Code of Ethics adopted by ICOM on 4 November 1986 and amended on 6 July 2001, available at http://icom.museum/fileadmin/user_upload/pdf/Codes/code_ethics2013_eng.pdf
- ✓ "**MUSE DOMA IINTERNATIONAL (MDI)**": refers to .museum Registry, a non for profit organization acting on behalf of ICOM.
- ✓ "**Museum**": refers to a museum as defined in Specification 12 "Community Registration Policy" of .museum Registry Agreement available at <http://www.icann.org/en/about/agreements/registries/museum>
- ✓ "**Personal Data**" refers to any information relating to an identified or identifiable natural person ("Data subject").
- ✓ "**RAA**": refers to the 2013 Registrar Accreditation Agreement approved by the ICANN Board on 27 June 2013, which can be found at <http://www.icann.org/en/resources/registrars/raa/approved-with-specs-27jun13-en.pdf> or, if amended or superseded, the most current ICANN Registrar Accreditation Agreement.
- ✓ "**Registrar**": refers to an organization accredited by ICANN and the Registry Operator to provide .museum domain name registration services.
- ✓ "**Registration Agreement**": refers to the electronic or paper registration agreement that the Registrar must enter into with each Registrant, in compliance with Section 3.7.7 of the RAA.
- ✓ "**Registry Agreement**": refers to the contract signed by the Registry and ICANN on 2 March 2018, and available at <http://www.icann.org/en/about/agreements/registries/museum>

- ✓ **"WHOIS" or "RDDS"** (Registration Data Directory Services): refers to all WHOIS services as defined in Specification 4 of the Registry Agreement.

Appendix 1

The Eligibility Restrictions Dispute Resolution Procedure ("ERDRP")

Within thirty (30) days of our decision to suspend the registration of your domain name under the .museum Top Level Domain ("TLD"), pursuant to Article 4.1 of the Registry Policy, you may challenge the decision by bringing the matter before the ERDRP committee for the .museum TLD (hereinafter referred to as the "Committee") in accordance with the provisions described below.

1. Referral to the Committee

As of the date of notification of the suspension of the registration of your domain name as part of the eligibility verification process, you have a period of thirty (30) days in which to challenge our decision before the Committee.

The matter can be referred to the Committee, free of charge, by sending the "ERDRP Referral" form to erdrp@afnic.fr. This form is available upon request at the following address: contact@abuse.museum.

Your referral should be accompanied by the supporting documents that you wish to invoke in support of your claim.

2. Composition of the Committee

The Committee is a body tasked with taking decisions on an objection filed by the Holder of a domain name under the .museum TLD subject to suspension for ineligibility pursuant to the Registration Policy of the .museum TLD.

The Committee consists of two experts appointed by the Registry for their legal skills, their knowledge of the .museum Registration Policy and of domain name market practices, and their experience which is required to ensure effective implementation of the .museum domain name Registration Policy.

3. Deontology

Each member of the Committee shall consider and treat as confidential all the data and information received for the purposes of studying the file in question, and shall use none of the data or information for any purpose other than those specified in this Procedure.

Each member of the Committee is bound by a duty of neutrality and impartiality with respect to the evidence brought to their knowledge, with particular reference to the documents and statements of the Holder of the domain name and those of MDI.

Should a member of the Committee be subject to a conflict of interest, s/he shall be replaced by a substitute.

4. Opening of the Procedure

Within fifteen (15) days of receipt of the "ERDRP Referral" form, the Committee shall notify the opening of the Procedure to the Holder as well as to the Registrar managing the domain name in dispute.

5. Study of the claim

The Committee reserves the right not to consider the documents submitted in languages other than in French if the requested translation is not provided, is incomplete, or is invalid.

The Committee rules on the claim exclusively in light of the documents and statements sent by the Holder without conducting further research.

6. Lead-time for the Procedure

The Committee rules on the claim within thirty (30) days after the opening of the Procedure. You may terminate the Procedure at any time after having notified the Committee. In this case, the domain name in dispute is immediately deleted.

The Committee will analyze whether or not the Holder meets the .museum eligibility criteria, as required by Article 2.1.

7. Committee Decision

The Committee's decision shall be substantiated in writing, and indicate the date on which it was made.

The decision is notified by electronic means to the Holder as well as to the Registrar managing the domain name in dispute.

The Committee's decision is executed on the date of notification to the Holder.

If the decision is in favor of the Holder, the suspension affecting the domain name involved in the dispute shall be waived and the Procedure ended.

If the decision is not in favor of the Holder, the domain name shall be deleted and the Procedure ended.

Appendix 2

The Compliance Reconsideration Dispute Resolution Procedure ("CRDRP")

Within thirty (30) days of our decision to suspend the registration of your domain name under the .museum Top Level Domain ("TLD"), pursuant to Article 4.2 of the Registry Policy, you may challenge the decision by bringing the matter before the CRDRP committee for the .museum TLD (hereinafter referred to as the "Committee") in accordance with the provisions described below.

1. Referral to the Committee

As of the date of notification of the suspension of the registration of your domain name as part of the non-compliance verification process, you have a period of thirty (30) days in which to challenge our decision before the Committee.

The matter can be referred to the Committee free of charge by sending the "CRDRP Referral" form to crdrp@afnic.fr. This form is available upon request at the following address: contact@abuse.museum.

Your referral should be accompanied by the supporting documents that you wish to invoke in support of your claim.

2. Composition of the Committee

The Committee is a body tasked with taking decisions on an objection filed by the Holder of a domain name under the .museum TLD subject to suspension for non-compliance pursuant to the Registration Policy of the .museum TLD.

The Committee consists of two experts appointed by the Registry for their legal skills, their knowledge of the .museum Registration Policy and domain name market practices, and their experience which is required to ensure effective implementation of the .museum domain name Registration Policy.

3. Deontology

Each member of the Committee shall consider and treat as confidential all the data and information received for the purposes of studying the file in question, and shall use none of the data or information for any purpose other than those specified in this Procedure.

Each member of the Committee is bound by a duty of neutrality and impartiality with respect to the evidence brought to their knowledge, with particular reference to the documents and statements of the Holder of the domain name and those of MDI.

Should a member of the Committee be subject to a conflict of interest, s/he shall be replaced by a substitute.

4. Opening of the Procedure

Within fifteen (15) days of receipt of the "CRDRP Referral" form, the Committee shall notify the opening of the Procedure to the Holder as well as to Registrar managing the domain name in dispute.

5. Study of the claim

The Committee reserves the right not to consider the documents submitted in languages other than in French if the requested translation is not provided, is incomplete, or is invalid.

The Committee rules on the claim exclusively in light of the documents and statements sent by the Holder without conducting further research.

6. Lead-time for the Procedure

The Committee rules on the claim within thirty (30) days after the opening of the Procedure.

You may terminate the Procedure at any time after having notified the Committee. In this case, the domain name in dispute is immediately deleted.

The Committee will analyze whether or not the Holder makes use of the domain name under the .museum TLD in accordance with the terms and conditions set out in section 4.2 of the registration policy.

7. Committee Decision

The Committee's decision shall be substantiated in writing, and indicate the date on which it was made.

The decision is notified by electronic means to the Holder as well as to the Registrar managing the domain name in dispute.

The Committee's decision is executed on the date of notification to the Holder.

If the decision is in favor of the Holder, the suspension affecting the domain name involved in the dispute shall be waived and the Procedure ended.

If the decision is not in favor of the Holder, the domain name shall be deleted and the Procedure ended.