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**STC**  
الاتصالات السعودية



### New gTLD Agreement (Draft) base agreement specs-29apr13

STC Comments on the gTLD Agreement:

(1) Section 2.13, P# 8

#### **2.13 Emergency Transition:**

Registry Operator pays all reasonable costs incurred (i) by ICANN as a result of the designation of the Emergency Operator and (ii) by the Emergency Operator in connection with the operation of the registry for the TLD.

**STC Comments: we are concerned about such costs to be paid by STC.**

(2) Section 5.2, P# 16

#### **5.2 Arbitration:**

In the event the arbitrators determine that Registry Operator has been repeatedly and willfully in fundamental and material breach of its obligations set forth in Article 2, Article 6 or Section 5.4 of this Agreement, ICANN may request the arbitrators award punitive or exemplary damages, or operational sanctions (including without limitation an order temporarily restricting Registry Operator's right to sell new registrations).

**STC Comments: we are concerned about "awarding punitive or exemplary damages, or operational sanctions".**

(3) Section 7.1, P# 20 - 21

#### **7.1 Indemnification of ICANN:**

(2) Registry Operator shall indemnify and defend ICANN and its directors, officers, employees, and agents (collectively, "Indemnitees") from and against any and all third-party claims, damages, liabilities, costs, and expenses, including reasonable legal fees and expenses, arising out of or relating to intellectual property ownership rights with respect to the TLD, the delegation of the TLD to Registry Operator, Registry Operator's operation of the registry for the TLD or Registry Operator's provision of Registry Services

**STC Comments: we are concerned about "indemnify and defend ICANN and its directors, officers, employees, and agents (collectively, "Indemnitees") from and against any and all third-party claims, damages, liabilities, costs, and expenses, including reasonable legal fees and expenses,".**

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