

I appreciate the opportunity to submit comments on the proposed amendment(s) to the .XXX registry agreement to transition to the new fee structure and to adopt additional safeguards.

Here are my comments:

1. With the current agreement, section 3.1 (c) (ii) on personal data should be amended to include protection from data theft a problem that is increasing in severity.

The line

“Registry Operator shall take reasonable steps to protect Personal Data from loss, misuse, unauthorised disclosure, alteration or destruction.”

could instead read:

*“Registry Operator shall take reasonable steps to protect Personal Data from loss, **theft**, misuse, unauthorised disclosure, alteration or destruction.... “*

2. In the proposed .XXX agreement appendix 9 section 1a) a provision for registrars in their respective registration agreements to prohibit registered name holders from distributing malware, abusively operating botnets, phishing, piracy and trademark / copyright infringement amongst other practices; this in theory is a sound requirement but in practice it is quite difficult for registrars to monitor abuses conducted by registered domain name holders. Since it is outside the scope of ICM and its concomitant registrars to monitor numerous acts of domain name abuses, what assurances does ICM have that registrars will abide by these terms?

3. Lastly on the issue of the Dispute Resolution Mechanism, it is highly questionable if the Uniform Rapid Suspension system (URS) should be implemented for the .XXX TLD because URS was specifically targeted towards new gTLDs of which .XXX is not.

Respectfully,

Paul Muchene