

DATA RETENTION SPECIFICATION

1. ~~Except to the extent prohibited by applicable law, during~~**During** the Term of this Agreement, for each Registered Name sponsored by Registrar within a gTLD, Registrar shall collect and securely maintain in its own electronic database (as updated from time to time) the data specified below:
 - 1.1. Registrar shall collect the following information from registrants at the time of registration of a domain name (a “Registration”) and shall maintain that information for the ~~life~~**duration of Registrar’s sponsorship** of the Registration ~~plus~~**and for a period of two additional years thereafter**:
 - 1.1.1.** First and last name or full legal name of registrant;
 - 1.1.2.** First and last name or, in the event registrant is a legal person, the title of the registrant’s administrative contact, technical contact, and billing contact;
 - 1.1.3.** Postal address of registrant, administrative contact, technical contact, and billing contact;
 - 1.1.4.** Email address of registrant, administrative contact, technical contact, and billing contact;
 - 1.1.5.** Telephone contact for registrant, administrative contact, technical contact, and billing contact;
 - 1.1.6.** WHOIS information, as set forth in the WHOIS Specification;
 - 1.1.7.** Types of **domain name** services purchased for use in connection with the Registration-; **and**
 - 1.1.8. To the extent collected by Registrar, “card on file,” current period third party transaction number, or other recurring payment data.**
 - 1.2. **Registrar shall collect the following information and maintain that information for no less than one hundred and eighty (180) days following the relevant interaction:**
 - 1.2.1.** Information regarding the means and source of payment reasonably necessary for the Registrar to process the Registration transaction, or a transaction number provided by a third party payment processor;
 - 1.2.2.** Log files, billing records,~~or~~ **and, to the extent collection and maintenance of such records is commercially practicable or**

consistent with industry-wide generally accepted standard practices within the industries in which Registrar operates, other records containing communications source and destination information, including, depending on the method of transmission and without limitation: (1) Source IP address, HTTP headers, (2) the telephone, text, or fax number; and (3) email address, Skype handle, or instant messaging identifier, associated with communications between Registrar and the registrant about the Registration; and

•1.2.3. Log files ~~or~~ and, to the extent collection and maintenance of such records is commercially practicable or consistent with industry-wide generally accepted standard practices within the industries in which Registrar operates, other records associated with the Registration containing dates, times, and time zones of communications and sessions, including initial registration.

2. If, based on the receipt of either (i) a written legal opinion from a nationally recognized law firm in the applicable jurisdiction that states that the collection and/or retention of any data element specified herein by Registrar is reasonably likely to violate applicable law (the “Opinion”) or (ii) a ruling of, or written guidance from, a governmental body of competent jurisdiction providing that compliance with the data collection and/or retention requirements of this Specification violates applicable law, Registrar determines in good faith that the collection and/or retention of any data element specified in this Specification violates applicable law, Registrar may provide written notice of such determination to ICANN and request a waiver from compliance with specific terms and conditions of this Specification (a “Waiver Request”). Such written notice shall: (i) specify the relevant applicable law, the allegedly offending data collection and retention elements, the manner in which the collection and/or retention of such data violates applicable law, and a reasonable description of such determination and any other facts and circumstances related thereto, (ii) be accompanied by a copy of the Opinion and governmental ruling or guidance, as applicable, and (iii) be accompanied by any documentation received by Registrar from any governmental authority, in each case, related to such determination, and such other documentation reasonably requested by ICANN. Following receipt of such notice, ICANN and Registrar shall discuss the matter in good faith in an effort to reach a mutually acceptable resolution of the matter. Until such time as ICANN’s Procedure for Handling Whois Conflicts with Privacy Law is modified to include conflicts relating to the requirements of this Specification and if ICANN agrees with Registrar’s determination, ICANN’s office of general counsel may temporarily or permanently suspend compliance and enforcement of the affected provisions of this Specification and grant the Wavier Request. Prior to granting any exemption hereunder, ICANN will post its determination on its website for a period of thirty (30) calendar days. Following such modification of ICANN’s Procedure for Handling Whois Conflicts with Privacy Law, all Wavier Requests (whether granted or denied) shall be resolved pursuant to such modified procedures.

- 3. If (i) ICANN has previously waived compliance with the requirements of any requirement of this Data Retention Specification in response to a Waiver Request from a registrar that is located in the same jurisdiction as Registrar and (ii) Registrar is subject to the same applicable law that gave rise to ICANN's agreement to grant such waiver, Registrar may request that ICANN to grant a similar waiver, which request shall be approved by ICANN, unless ICANN provides Registrar with a reasonable justification for not approving such request, in which case Registrar may thereafter make an Waiver Request pursuant to Section 2 of this Data Retention Specification.**
- 4. Any modification of this Data Retention Specification to address violations of applicable law shall only apply during the period of time that the specific provisions of the applicable law giving rise to such violations remain in effect. If the applicable law is repealed or modified (or preempted) in a manner that would no longer prohibit the collection and/or retention of data and information as originally specified in this Data Retention Specification, Registrar agrees that the original version of this Specification will apply to the maximum extent permitted by such modified applicable law.**
- ~~2. Registrar shall maintain WHOIS data in accordance with the requirements of the WHOIS Accuracy Program, as set forth in the WHOIS Accuracy Program Specification.~~
- ~~3. This Specification may be modified by ICANN from time to time after consultation with the Registrar Stakeholder Group (or its successor), provided that such updates are commercially practical with respect to the registrar industry, taken as a whole.~~

Summary Report:	
Litera Change-Pro ML IC 6.5.0.313 Document Comparison done on 4/22/2013 2:15:03 PM	
Style Name: JD Blackline	
Original Filename:	
Original DMS: iw://IRI/IRI/33673/4	
Modified Filename:	
Modified DMS: iw://IRI/IRI/33673/9	
Changes:	
<u>Add</u>	28
<u>Delete</u>	22
<u>Move From</u>	0
<u>Move To</u>	0
<u>Table Insert</u>	0
<u>Table Delete</u>	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Total Changes:	50