

PROPOSED MEASURE TO AVOID CONFUSION – .BIO

StartingDot is the Registry Operator of the .BIO generic Top Level Domain string (gTLD) since June 2, 2014.

The .BIO gTLD is generally available to all Registrants, and among others, to actors in the fields of agriculture, food and farming. The .BIO gTLD intends to serve all of these topics and areas, while ensuring that national and international organic standards are respected.

The .BIO gTLD is established on the basis of the core organic agriculture principles that have been formulated by the International Federation of Organic Agriculture Movements (“IFOAM – Organics International”). IFOAM – Organics International is an official Partner of the .BIO Registry Operator.

The Principles of Organic Agriculture (“*POA*”) aim to inspire the organic movement in its full diversity, and to help steer the development of positions, programs and standards in the organic community. They are used as the principal framework for defining the .BIO registration policies. In order to apply for a .BIO domain name, the registrant is required to comply with specific requirements related to organic agriculture compliance mechanisms.

To address the confusion concerns cited by the relevant governments regarding the use of second-level domains (SLDs) in .BIO, StartingDot, has (i) implemented a registration policy for .BIO and (ii) established an Anti-Abuse Policy that mitigates the potential confusion addressed by the governments. Based on the above, StartingDot has:

- Developed and implemented a restricted registration policy for .BIO included in the .BIO Domain Name Policy (“.BIO DNP”). According to the .BIO DNP, although a .BIO domain name can be registered by anyone, specific terms of use apply to Registrants who are producers, transformers and retailers, or otherwise involved in the field of agriculture, food and farming when there is:
 - A nexus with the European Union (i.e.: selling, exporting to or trading agricultural or food product in the European Union) or other relevant markets where the word “bio” may be used to refer to legally labeled and marketed organic, biological, ecological, biodynamic, or similarly named goods or intending to do so (“nexus with the European Union”); and
 - No nexus with the European Union.
- b. The Registrant who has no nexus with the European Union must commit to abiding by the POA.
- c. The Registrant who has a nexus with the European Union must commit to abiding by both:
 - The POA; and

- The Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labeling and its derived legislation, or any regulations in force in other relevant markets (the “E.C Regulations”).

- Made public on StartingDot’s website (www.startingdot.com) the abovementioned .BIO DNP;
- Included the .BIO Domain Name Policy in the StartingDot Registry – Registrar Agreement (RRA) signed with all the appointed registrars for .BIO;
- Enforced the .BIO Domain Name Policy by monitoring registrations on a random basis. StartingDot performs quarterly controls of .BIO registrations together with IFOAM – Organics International and ensures that registrants meet the eligibility criteria established in the .BIO DNP. StartingDot has also developed an Anti-Abuse Policy published on its website, which establishes StartingDot’s actions in case of an abuse of the .BIO domain space.
- Made public on StartingDot’s website (www.startingdot.com) the abovementioned Anti-Abuse Policy which contains specific text with regards to domain names that correspond to a country code described in the ISO 3166-1 alpha-2 standard.

The .BIO Domain Name Policy would not prevent governments from registering domains in the .BIO TLD. However, if the latter register a .BIO domain name they must abide by the principles established under the .BIO DNP .

Finally, as stated in the Anti-Abuse Policy, should a Registrant fail to comply with the Anti-Abuse Policy, the domain name may be subject to cancellation or other penalty measures (domain being locked, placed on hold, transferred or deleted). Thus all Registrants in the .BIO gTLD, have an obligation to avoid confusion with two letter country codes and we have clear penalties for any failure to do so.