

Implemented Measures to Avoid Confusion

Donuts Inc. already has put in place measures to avoid confusion between letter/letter labels and their corresponding country codes across our TLDs. Our TLD Terms and Conditions currently obligate registrars to:

“expressly include in its electronic or paper registration agreement (the “Registration Agreement”) with Registrants, provisions stating that, where an SLD corresponds with a two character country-code TLD (“ccTLD”), Registrants of such SLDs have an obligation to take reasonably necessary measures to avoid confusion with the corresponding ccTLD.”

Upon receipt of a complaint regarding alleged confusion between a domain and the corresponding country code, we would work with the registrar to determine whether the registrant has taken reasonably necessary measures to avoid confusion with the applicable ccTLD.

Additional Measures Under Consideration

While we believe Donuts has sufficient measures to avoid confusion in place for the release of *all* letter/letter labels as contemplated under Specification 5, Section 2 of the Registry Agreement, Donuts would consider implementation of the two measures described below if additional measures will be required by ICANN.

1) Acceptable Use and Anti-Abuse Policy Update

The Donuts Acceptable Use and Anti-Abuse Policy (the “AUP”) could be updated to include potential registry action if a registrant fails to take reasonably necessary measures to avoid confusion with the corresponding ccTLD.

Our AUP – publicly available here: <http://www.donuts.domains/policies/acceptable-use> – would have the following italicized language added:

“Donuts reserves the right, at its sole discretion and at any time and without limitation, to deny, suspend, cancel, redirect, or transfer any registration or transaction, or place any domain name(s) on registry lock, hold, or similar status as it determines necessary for any of the following reasons: ...

- *failure by the registrant of a letter/letter domain to take reasonably necessary measures to avoid confusion with the corresponding ccTLD; ...”*

Under the updated AUP, should a registrant fail to comply, the domain may be suspended, canceled, redirected, transferred, or placed on registry lock or similar status.

Like the provision in our Terms and Conditions, this change will put registrants of letter/letter domains on notice of their obligation to avoid confusion with the corresponding country code and sets forth clear penalties for failure to do so.

2) Phased Allocation

ICANN has previously permitted the release of *all* two-character labels where a registry proposes implementing a phased allocation program. This single measure to avoid confusion has been approved by ICANN and implemented in .TRAVEL, .BIZ, .INFO, .ORG, and .JOBS.

Donuts is similarly considering implementing a phased allocation program by providing an exclusive thirty (30) day period in which registration of objected-to letter/letter combinations will be made only available to the applicable country code manager as listed at: <http://www.iana.org/domains/root/db/>.

Should this measure be implemented, we commit to affirmatively reaching out to those country code managers who have objected to the release of their corresponding label to provide notice of the phased allocation program, including dates and registration processes.