

# .kyoto

## **Nexus Enforcement and Dispute Resolution Policy**

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## Chapter 1 Nexus Enforcement

### 1.1. Initial Validation

At the time of registration, all .kyoto Registrants shall be required to provide a valid Kyoto prefecture physical address in accordance with the nexus requirements set forth in the .kyoto Domain Name Registration Policies (the “Nexus Requirement”). Failure of the Registrant to provide a valid Kyoto prefecture physical address in compliance with the .kyoto Domain Name Registration Policies shall result in the denial of the registration for the applicable Domain Name.

### 1.2. Registry Spot Checks and Enforcement

In addition, the Registry will: (i) institute a post-registration random nexus spot check process as well as (ii) investigate specific complaints received from interested third parties.

In the event that the Registry determines that a Domain Name registration does not meet the Nexus Requirements, the Domain Name will be placed on a hold for an initial period of 30 days. The sponsoring Registrar will be notified of such a hold and be given the opportunity to correct any information. If the Registrant does not respond and comply during the hold time frame, the domain name may be subject to deletion.

If the determination was made by the Registry as a result of a third party complaint, the only remedy available is the deletion of the Domain Name. Domain Names will not be transferred to a third-party.

### 1.3. Kyoto Independent Dispute Resolution Panel

Any third party may challenge a Registrant’s compliance with the Nexus Requirement.

Such challenges will be heard by an Independent Dispute Resolution Panel (the “Panel”) in accordance with the legal and policy framework provided by the Nexus Enforcement and Dispute Resolution Policy (“this Policy”). The Panel may be comprised of members of the Kyoto prefectural government and other local community representatives.

A third party (a “Complainant”) may choose to submit a challenge for a variety of reasons, including, but not limited to:

- (i) disagreement with a determination by the Registry that the Registrant meets the Nexus requirement, or (ii) a desire to have the name transferred if in fact:
  - a. the Registrant does not meet Nexus Requirement, and
  - b. the Complainant is able to demonstrate compliance with Nexus Requirement.

Disputes initiated pursuant to the .kyoto Nexus Enforcement and Dispute Resolution Policy may be submitted to Kyoto Jyoho Gakuen at [dotkyoto@kcg.ac.jp](mailto:dotkyoto@kcg.ac.jp). The Independent Dispute Resolution Panel will be convened to hear the dispute. The Panel must follow the .kyoto Nexus Dispute Resolution Policy, and may also establish a set of rules (the “Rules”) to govern the dispute process.

## Chapter 2. Nexus Dispute Resolution Policy

### 2.1 Purpose

This Nexus Dispute Resolution Policy has been adopted by the .kyoto Registry. It is incorporated by reference into the .kyoto Registration Agreement, and sets forth terms and conditions in connection with a dispute between the Registrant and any party other than the Registrar or the Registry over the registration and use of a Domain Name registered by a Registrant in violation of the Nexus Requirement.

### 2.2 Mandatory Administrative Proceeding

The Registrant is required to submit to a mandatory administrative proceeding in the event that a Complainant initiates a claim under the Nexus Dispute Resolution Policy, in accordance with the Rules established by the Panel, that a Domain Name has been registered or is being used in violation of the Nexus Requirement.

The following circumstances, in particular but without limitation, if found by the Panel to be present, shall be evidence of noncompliance with the nexus requirements:

The Registrant is neither (i) a natural person whose primary place of residence is a valid physical address in Kyoto prefecture; nor (ii) an entity or organization that has a physical address in Kyoto prefecture.

#### Initiation of Proceeding

The process for initiating and conducting a proceeding will be determined by the Rules to be established by the Panel.

#### Fees

All fees charged by to Kyoto Jyoho Gakuen at [dotkyoto@kcg.ac.jp](mailto:dotkyoto@kcg.ac.jp) in connection with any dispute before a Panel pursuant to this Policy shall be paid by the Complainant.

#### Registry or Registrar Involvement

Neither the Registry nor registrar will participate in the conduct of any proceeding before a Panel. In any event, neither the Registry nor the registrar is or will be liable as a result of any decisions rendered by the Panel. Any Domain Name involved in a Panel hearing under the .kyoto Nexus Dispute Resolution Policy will be locked against transfer to another Registrant or another registrar during the course of a proceeding.

#### Remedies

The remedies available to the Complainant pursuant to any proceeding before a Panel shall be limited to requiring the cancellation of the Registrant's Domain Name or the transfer of the Domain Name registration to the Complainant (the latter provided that the Complainant can demonstrate that it is otherwise eligible to register the Domain Name).

## 2.3 Other Disputes and Litigation

The administrative proceeding under this Policy shall not prevent either party from submitting a dispute concerning a Domain Name registration in .kyoto to concurrent administrative proceedings or to a court of competent jurisdiction for independent resolution during a pending administrative proceeding under this Policy or after such proceeding is concluded. If the Panel ultimately decides that a Domain Name registration should be canceled, the Registry will wait 10 business days after receiving notification of the Panel determination before implementing the decision. If the Registry receives official documentation during that 10 business day period showing that the Registrant has commenced legal proceedings against the Complainant, the Registry will not implement the Panel's decision, and will take no further action, until the Registry receives (i) satisfactory evidence that a resolution was reached between the parties; (ii) satisfactory evidence that the legal proceedings have been dismissed or withdrawn; or (iii) a copy of an order from such court dismissing the legal proceedings or ordering that the Registrant does not have the right to continue to use the domain name.

## 2.4 Maintaining the Status Quo

During a proceeding under the Nexus Dispute Resolution Policy, the disputed Domain Name registration shall be locked against transfers between Registrants and/or registrars and against deletion by Registrants.

## 2.5 Indemnification/Hold Harmless

The parties shall hold the registrar, the Registry, and the Panel harmless from any claim arising from operation of the Independent Dispute Resolution Panel. Neither party may name the registrar, the Registry, or the Panel as a party or otherwise include the registrar, the Registry, or the Panel in any judicial proceeding relating to the dispute or the administration of this Policy. The parties shall indemnify, defend and hold harmless the registrar, the Registry, the Panel and their respective employees, contractors, agents and service providers from any claim arising from the conduct or result of a proceeding under this Policy. Neither the registrar, the Registry, the Panel and their respective employees, contractors, agents and service providers shall be liable to a party for any act or omission in connection with any administrative proceeding under this Policy or the corresponding Rules. The Complainant shall be directly and solely liable to the registrant in the event the complaint is granted in circumstances where the registrant is lawfully entitled to registration and use of the registered domain name(s) in the TLD.

## 2.6 Modifications

The Registry may amend the provisions of this Policy from time to time, which amendments will take effect with 120 days prior notice provided by email to Accredited Registrars, and published on the Registry website. The Registry may furthermore issue interpretative guidelines on the Registry website regarding the terms and provisions of this Policy. If any part of this Policy shall be found invalid or unenforceable for any reason, the remainder of this Policy shall be valid and enforceable as if such provision was not included therein. There shall be substituted for any such provision a suitable provision that, as far as is legally possible, comes nearest to the sense and purpose of this Policy. If at the time the policy amendment comes into effect, the policy has already been invoked by the submission of a complaint, in the version of the Policy in effect at the time it was invoked will remain in effect until the conclusion of the dispute resolution process.