

MICROSOFT'S .BING REGISTRY DOMAIN NAME TERMS AND CONDITIONS

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.Bing Registry Domain Name Terms & Conditions

These .Bing Registry Domain Name Terms & Conditions (.Bing Registry T&Cs) set out the terms and conditions governing the registration and use of a .Bing domain name.

These .Bing Registry T&Cs may be updated periodically. The current version can be found at nic.bing, and Registrant's continued registration of a .Bing domain name after any such update shall constitute Registrant's acceptance of any such update.

The .Bing Registry T&Cs are to be read in conjunction with the .Bing Registration Policy. No other agreements or representations supplement or alter the terms of this .Bing Registry T&Cs except as expressly incorporated herein.

Any undefined capitalised term in the .Bing Registry T&Cs shall have the meaning set out in the ICANN Registry Agreement applicable to the .Bing Registry, available at <https://www.icann.org/resources/agreement/bing-2014-12-18-en>

All communications and information under this .Bing Registry T&Cs shall be in English.

General/Definitions

.Bing Registration Policy means the .Bing Registry Domain Name Registration Policy which sets out the eligibility criteria for registering .Bing domain names terms and conditions governing the registration and use of domain names in the .Bing Registry.

Abuse Point of Contact means the .Bing Registry's abuse response team (which can be contacted at abuse_bing@valideus.com)

Authorized Employee means an employee of Microsoft or a Microsoft Affiliate who is authorized to seek registration of a .Bing domain name in the name of Microsoft or a Microsoft Affiliate.

ICANN means the Internet Corporation for Assigned Names and Numbers.

Identical Match means that the domain name consists of the complete and identical textual elements of a Clearinghouse-validated trademark. In this regard, marks which would be identical to Trademark Clearinghouse-validated marks but for the following amendments qualify as Identical Matches: (a) spaces contained within a mark that are either replaced by hyphens (and vice versa) or omitted; (b) certain special characters contained within a trademark are spelled out with appropriate words describing them ("@" and "&" correspond to the words "at" and "and" respectively; these may also be omitted or replaced by hyphens); (c) punctuation or special characters contained within a mark that are unable to be used in a second-level domain name may either be (i) omitted or (ii) replaced by a hyphen. A mark does not qualify as an Identical Match where it is a plural or "marks contained" (i.e., "brandx" in "brandxproducts").

Microsoft means Microsoft Corporation, a company organized under the laws of the State of Washington, U.S.A., and located at One Microsoft Way, Redmond, WA 98052.

Microsoft Affiliate means any person or entity that, directly or indirectly, through one or more intermediaries or in combination with one or more other persons or entities, controls, is controlled by, or is under common control with Microsoft, and Microsoft's Trademark Licensees as defined in the ICANN Registry Agreement applicable to .Bing.

Registrant means Microsoft or a Microsoft Affiliate seeking, through an Authorized Employee, to initiate registration of a .Bing domain name (which, if allowed, means that Registrant is then a .Bing domain name registrant).

Registrar means an ICANN-accredited registrar.

Registry means Microsoft as a provider of TLD registry services for the .Bing Top Level Domain Registry.

Registry Services Provider means the entity providing back-end technical and operational services for the day-to-day functioning of the .Bing Registry.

Trademark Claims means notice to a prospective domain name registrant of the scope of the mark holder's rights whereby the prospective registrant warrants that (i) they have received notification that the mark(s) is included in the Clearinghouse; (ii) they have received and understood the notice; and (iii) to the best of their knowledge, the registration and use of the requested domain name will not infringe on the rights that are the subject of the notice. If the domain name is registered subsequent to the notice being issued and the registrant attesting to its non-infringement, the Registrar or the Clearinghouse will notify the mark holders(s) of the registration.

Trademark Clearinghouse or Clearinghouse means a central storage repository of validated (authenticated) trademark rights-related data and information for dissemination with respect to trademark rights protection mechanisms and other registry-related services.

Terms used in the singular or plural are merely for convenience, and shall apply mutatis mutandis, as the context may require.

Registration Terms & Conditions

By submitting a request to register a .Bing domain name, or by asking Microsoft to maintain or renew a .Bing domain name registration, or by using a .Bing domain name Registrant acknowledges and agrees that:

- Registrant has read and understood and agrees to be bound by the current version of the .Bing Registration Policy and the .Bing Registry T&Cs (set forth at nic.bing) governing inter alia the registration and use of domain names in the .Bing Registry.
- Registrant further represents and warrants that Registrant is authorized to undertake a .Bing domain name registration and/or use a .Bing domain name and enter into an agreement on behalf of or by Microsoft or a Microsoft Affiliate.
- Registrant is bound to and will abide by all ICANN Consensus Policies.
- Registration of a .Bing domain name merely provides Registrant with temporary, revocable and non-transferable license to use that domain name, and you agree that all .Bing domain name registrations are made for the benefit of Microsoft in furtherance of its goals and operating practices.
- All .Bing domain name registrations are, and shall irrevocably remain, the sole property of Microsoft and any attempted transfer, delegation or assignment to any third party may be considered void ab initio.
- Registrant agrees to Microsoft's .Bing Whois data requirements (i.e., Registrant agrees to provide Microsoft with Registrant's complete, accurate, and current contact details in the form approved by Microsoft). Registrant will also give its complete and unqualified consent for Microsoft's publication of any such Whois data.
- The Whois information for all .Bing domain name registrations shall reflect the Registrant's name and contact details, reflecting, where applicable, Registrant's relationship as a Microsoft Affiliate.

- Registrant will immediately (and in any event within 48 hours of any change) update Registrant's contact details and certify their accuracy annually if requested by the Registrar.
- Microsoft reserves the right to periodically verify Registrant's contact details, and to cancel or revoke Registrant's domain name registration for any non-compliance with these .Bing Registry T&Cs, including Registrant's obligation to provide accurate, and current contact details.
- Microsoft disclaims any liability for any loss or damage suffered by you as a result of any communication failure due to Registrant's provision of inaccurate contact details.
- Microsoft reserves the right, in its sole discretion to lock, cancel, revoke, or otherwise make changes to Registrant's domain name registration including by making changes to DNS settings or taking any other action (including any actions made possible in the future by changes in DNS-related technical protocols or otherwise) deemed necessary by Microsoft in its sole discretion pursuant to Microsoft's .Bing Registration Policy and .Bing Registry T&Cs nor as otherwise deemed necessary by Microsoft in its sole discretion for the operations of the .Bing Registry.
- Registrant agrees to be subject to and abide by the ICANN-mandated rights protection mechanisms, including the Uniform Domain Name Dispute Resolution Policy ("UDRP") and Uniform Rapid Suspension system ("URS"). The UDRP policy and rules are located at www.icann.org/dndr/udrp/policy.htm. The URS policy and rules are located at <http://newgtlds.icann.org/en/applicants/urs>.

Acceptable Use

Microsoft reserves the right to periodically undertake .Bing Acceptable Use and/or Abuse/Malicious Conduct Prevention and Mitigation compliance reviews; in its sole discretion, Microsoft's .Bing domain name management team may cancel, revoke, or otherwise make (or require Registrant to make) changes to a .Bing domain name registration if in Microsoft's sole discretion it finds Registrant's registration or use of a .Bing domain name fails to comply with the .Bing Registration Policy or the .Bing Registry T&Cs. In order to assess compliance as to the .Bing Registration Policy or the .Bing Registry T&Cs, or to otherwise ensure secure and stable operations, Microsoft may produce statistical reports identifying any security threats identified and actions taken in response; any such reports may be provided to ICANN upon their request or in connection with Microsoft's contractual obligations.

By registering a .Bing domain name, or by asking Microsoft to maintain or renew a .Bing domain name registration, Registrant agrees that

- Registrant's registration and use of such .Bing domain name is and will remain to be for the benefit of Microsoft in support of its goals and operating principles.
- Registrant represents and warrants that
 - Registrant registration and use of such .Bing domain name does not and will not knowingly violate, abuse, or infringe the rights of any third party including but not limited to intellectual property rights. *It is Registrant's responsibility to determine whether Registrant's domain name registration does or may infringe or violate the rights of a third party.*
 - Registrant will not distribute malware or operate botnets, or engage in phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting, or any other activity contrary to applicable law.

- Registrant's registration and use of such .Bing domain name does not and will not give rise to any morally objectionable, unlawful, or otherwise socially questionable conduct, nor will Registrant's registration or use of the .Bing domain name give rise to a violation of any applicable laws or regulations, nor will Registrant's .Bing domain name registration or use in any way harm the reputation or goals and operating principles of Microsoft.
- Registrant warrants and represents that where its registration or use of a .Bing domain name is a letter/letter two-character ASCII label then it will take steps to ensure against misrepresenting or falsely implying that it or its business is affiliated with the corresponding government or country-code manager if such affiliation, sponsorship or endorsement does not exist.

Rapid Takedown Process

In furtherance of Microsoft's efforts aimed at abuse prevention and mitigation, or where it appears that a .Bing domain name is being used to threaten the stability and security of the .Bing Registry or is a part of a real-time investigation by law enforcement, Microsoft may, either on its own initiative or at the request of a third party, initiate a rapid takedown process.

In such case, once the situation has been assessed by Microsoft's .Bing domain name management team, the Registrar may be contacted for its cooperation in taking the subject domain name down (by placing the domain name on hold or by deleting the domain name in its entirety), unless a compelling argument is provided by the Registrar to the registry on which basis the subject domain name may remain in the zone. In either event, if the Registrar has not reacted within 12 hours of the .Bing registry's request, the .Bing registry may place the subject domain name on "ServerHold" or any other status it deems appropriate. If Microsoft's .Bing domain name management team determines that the subject [TLD] domain name is being used to threaten the stability and security of the .Bing registry or is a part of a real-time investigation by law enforcement, Microsoft's .Bing domain name management team reserves the right to immediately remove the subject domain name from the zone, in which case the .Bing registry will inform the Registrar of such action being taken.

Abuse/Malicious Conduct Prevention and Mitigation

Deceptive practices and abusive or malicious conduct (including, but not limited to, illegal or fraudulent actions, spam, phishing, pharming, distribution of malware, fast flux hosting, botnets, distribution of child sexual abuse images, online sale or distribution of illegal pharmaceuticals, counterfeiting, piracy, trademark or copyright infringement etc.) by Registrant in the .Bing Registry are prohibited. In addition to any pro-active monitoring it may undertake, the .Bing Registry has established an Abuse Point of Contact for handling complaints related to any such activity, which shall also include investigation of and a response to any reports from law enforcement and governmental and quasi-governmental agencies of illegal conduct in connection with the use of the .Bing Registry.

In the event of any suspected violation of Microsoft's .Bing Registration Policy or .Bing Registry T&Cs or any applicable laws, Microsoft reserves the right to unilaterally "lock" Registrant's domain name registration pending resolution of any such suspected violation. In its sole discretion, Microsoft may also initiate a rapid takedown process to handle complaints about potential abuse/malicious conduct in the .Bing Registry.

Microsoft shall take reasonable steps to investigate and respond to any reports from governmental agencies and ccTLD operators of conduct that is alleged to cause confusion with the corresponding country code in connection with the use of a letter/letter two-character ASCII domain. In doing so, Microsoft shall not be under any obligation to take any action in contravention of any applicable law.

Microsoft reserves the right, in its sole discretion, to suspend, cancel, or revoke any .Bing domain name registration, or to place any .Bing domain name on registry "lock", "hold", or other status deemed necessary:

- (1) to protect the interests of the .Bing registry;
- (2) to assist or comply with any laws, court or law enforcement requests, or any dispute resolution process (not limited to ICANN consensus policies);

- (3) to avoid any civil or criminal liability, against Microsoft or the .Bing registry including its affiliates, subsidiaries, officers, directors, employees, or consultants/contractors;
- (4) pursuant to terms governing the registration or use of a .Bing domain name including as described in the .Bing Domain Name Registration Policy and the .Bing Domain Name T&Cs;
- (5) to remedy any error in connection with a .Bing domain name registration; and/or
- (6) in response to a report from a governmental agency or ccTLD operator of conduct that is alleged to cause confusion with the corresponding country code in connection with the use of a letter/letter two-character ACSCII domain.

Abuse Point of Contact

Inquiries, whether from law enforcement or the general public, related to abusive or malicious conduct in the .Bing Registry should be directed to the .Bing Abuse Point of Contact.

The .Bing *Abuse Point of Contact* can be reached by email at abuse_bing@valideus.com or by mail at Dietmar Lenden, Valideus Ltd., 28-30 Little Russell Street, London, WC1A 2HN.

Reports from governments and country code managers regarding confusion related to the use of a letter/letter two-character ACSCII domain may also be directed to the .Bing Abuse Point of Contact.

Inquiries from Registrars related to abusive domain name practices should be directed to Microsoft's Registry Services Provider, Verisign.

Data & Privacy Policy

By applying to register a .Bing domain name, or by asking Microsoft to maintain or renew a domain name registration, Registrant agrees to the current "Microsoft Online Privacy Statement" posted at <http://www.microsoft.com/EN-US/privacystatement/OnlineServices/Default.aspx>.

Disputes/Complaints

All disputes or concerns about abusive or malicious conduct in the .Bing Registry (including claims of a .Bing Registrant abusing third-party intellectual property rights) shall be addressed by the complainant to the Abuse Point of Contact for handling according to the .Bing Registry T&Cs, or UDRP or URS provider as appropriate.

All disputes between Registrant and a third party concerning that third party's rights shall be handled according to the terms of the UDRP, URS, court, or other appropriate legal or adjudicatory system.

UDRP

By registering a .Bing domain name, Registrant agrees to the applicability of the Uniform Domain Name Dispute Resolution Policy ("UDRP"); the UDRP policy and rules are located at www.icann.org/dndr/udrp/policy.htm.

Microsoft notes that the remedies available for a successful complaint under the UDRP are cancellation or transfer of the domain name to the UDRP filing complainant; in the event of a UDRP case ordering transfer of a domain name to a UDRP complainant, any such transfer can only occur if that party meets all requirements of the .Bing Registration Policy and the .Bing Registry T&Cs; in the event a prevailing UDRP complainant does not meet the conditions of the

.Bing Registration Policy and the .Bing Registry T&Cs, notwithstanding the UDRP transfer order, the .Bing domain name management team will cancel the respective domain name registration. In such circumstances, cancellation could result in the domain name being placed on a "non-resolving" list for a fixed period, or could be made immediately available for re-registration.

(The UDRP is an out-of-court dispute resolution procedure for adjudicating a claim by a third party that Registrant's registration and use of a .Bing domain name infringes their trademark rights, i.e., Registrant's domain name registration is identical or confusingly similar to a trademark in which the third-party

complainant has rights, Registrant has no rights or legitimate interests in the domain name, and Registrant's registration and use of the domain name are in bad faith; a successful UDRP proceeding would result in either the cancellation of Registrant's domain name, or the transfer of Registrant's domain name registration to the complainant.)

URS

By registering a .Bing domain name, Registrant agrees to the applicability of the Uniform Rapid Suspension system ("URS"); the URS policy and rules are located at <http://newgtlds.icann.org/en/applicants/urs>.

(The URS is an out-of-court dispute resolution procedure for adjudicating a claim by a third party that Registrant's registration and use of a .Bing domain name infringes their trademark rights, i.e., Registrant's domain name registration is identical or confusingly similar to a trademark in which the third-party complainant has rights, Registrant has no rights or legitimate interests in the domain name, and Registrant's registration and use of the domain name are in bad faith; a successful UDRP proceeding would result in the suspension cancellation of Registrant's domain name for the duration of the registration period (with the complainant having the option of paying to extend that suspension for one year).)

Trademark Claims Notice

For purposes of .Bing Trademark Claims, the .Bing Registry will recognize and honor all word marks that have been or are:

- (1)** nationally or regionally registered;
- (2)** court-validated; or
- (3)** specifically protected by a statute or treaty in effect at the time the mark is submitted to the Clearinghouse for inclusion – for purposes of Trademark Claims no demonstration of use is required.

The .Bing Registry will provide Trademark Claims services during an initial launch period (Trademark Claims Period) for marks in the Trademark Clearinghouse for the first 90 days that registration is open for general registration.

During the Claims Period, upon Registrant's attempt to register a domain name that is an Identical Match to a Clearinghouse-validated mark, Registrant will receive a Trademark Claims Notice (see Annex). Upon Registrant's confirmation that Registrant has received and understands Trademark Claims Notice, and Registrant's confirmation that to the best of Registrant's knowledge Registrant's registration Trademark and use of the requested domain name will not infringe the trademark rights listed in the Trademark Claims Notice, Registrant's request for registration will be managed by Microsoft's .Bing domain name management team in its sole discretion in accordance with the .Bing Registration Policy. If, pursuant to the .Bing Registration Policy, Registrant's request for a [TLD] domain name registration which is an Identical Match to a Clearinghouse-validated mark is allowed (i.e., Registrant's eligible domain name is registered), the Registrar (through an interface with the Clearinghouse) will notify the relevant mark holders(s) listed in the Trademark Claims Notice of Registrant's registration.

Annex - Trademark Claims Notice

TRADEMARK NOTICE

[In English and the language of the registration agreement]

You have received this Trademark Notice because you have applied for a domain name which matches at least one trademark record submitted to the Trademark Clearinghouse.

YOU MAY OR MAY NOT BE ENTITLED TO REGISTER THE DOMAIN NAME DEPENDING ON YOUR INTENDED USE AND WHETHER IT IS THE SAME OR SIGNIFICANTLY OVERLAPS WITH THE TRADEMARKS LISTED BELOW. YOUR RIGHTS TO REGISTER THIS DOMAIN NAME MAY OR MAY NOT BE PROTECTED AS NONCOMMERCIAL USE OR "FAIR USE" BY THE LAWS OF YOUR COUNTRY.

Please read the trademark information below carefully, including the trademarks, jurisdictions, and goods and services for which the trademarks are registered. Please be aware that not all jurisdictions review trademark applications closely, so some of the trademark information below may exist in a national or regional registry which does not conduct a thorough or substantive review of trademark rights prior to registration. If you have questions, you may want to consult an attorney or legal expert on trademarks and intellectual property for guidance.

If you continue with this registration, you represent that, you have received and you understand this notice and to the best of your knowledge, your registration and use of the requested domain name will not infringe on the trademark rights listed below. The following [number] marks are listed in the Trademark Clearinghouse:

1. Mark: <tmNotice:markName> Jurisdiction:
<tmNotice:jurDesc>
Goods and Services: <tmNotice:goodsAndServices>
International Class of Goods and Services or Equivalent if applicable:
<tmNotice:classDesc>
Trademark Registrant: <tmNotice:holder> Trademark Registrant Contact:
<tmNotice:contact>

This domain name label has previously been found to be used or registered abusively against the following trademarks according to the referenced decisions:

Decision Number: UDRP Provider:

2 (<tmNotice:claim>). Mark: Jurisdiction: Goods and Services: International Class of Goods and Services or Equivalent if applicable: Trademark Registrant:

Trademark Registrant Contact:

X (<tmNotice:claim>). Mark: Jurisdiction: Goods and Services: International Class of Goods and Services or Equivalent if applicable: Trademark Registrant: Trademark Registrant Contact

For more information concerning the records included in this notice, see <link to informational page>.