



.kiwi Naming Policy

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Version 1.0

Dot Kiwi Limited

This Naming Policy sets forth the rules and guidelines concerning the availability of any domain name registered in the .kiwi top-level domain (“.kiwi”).

This Naming Policy is part of the Registry Policies, which form a cohesive framework and must be read in conjunction with one another, as well as with other applicable agreements, policies, laws, and regulations which, taken together, represent the entirety the obligations and responsibilities with regard to any domain name registration.

Actual or attempted registration of a domain name in contravention of this Naming Policy may result in a Registrant being forbidden from registering domain names and/or the suspension or revocation of such Registrant’s right to continue to be recognized as the Registrant of the noncompliant domain name or any other domain name. Suspension or revocation may, as determined in the Registry’s sole discretion, with the cooperation of the sponsoring Registrar, apply to one or more of the Registrant’s domain names.

The Registry reserves the right to modify or update this Naming Policy at any time and from time to time, and any such modifications or updates shall be posted on the Registry website. Once posted, such modified or updated Naming Policy shall apply to all Registrants.

1. Reserved Names. Reserved names may be reserved by ICANN or the Registry.

- a. Reserved Names:
 - i. ICANN Reserved Names:
 - A. IGO/NGO Names
 - B. Country Codes
 - ii. Names Reserved by the Registry
- b. In the event that a Registrant has mistakenly been allowed to register a Reserved Name, the Registry will, in its sole discretion, with the cooperation of the sponsoring Registrar, cancel or transfer such domain name. Any fees paid by the Registrar to the Registry will be refunded but the Registrant and the Registrar shall have no further recourse under the Registry Policies or otherwise.
- c. In the event that a Registrant has fraudulently obtained the registration of a Reserved Name, the Registry reserves the right to cancel or transfer such domain name registration as provided for in, and take such further action as authorized by, the Registry Policies.
- d. Registrants are cautioned not to register a domain name which might be considered confusingly similar to a reserved name.

2. Blocked Names. The Registry reserves the right, in its sole discretion, to block certain names and terms from registration. The Registry may also block certain Domain Names in accordance with applicable law or ICANN Consensus Policies.

- a. In the event the Registry has mistakenly allowed the registration of a Blocked Name, the Registry may, after refunding fees to the Registrar, transfer the name back to the blocked list.

3. Infringing Domain Names. Registrants are not allowed to register domain names which include terms that infringe upon intellectual property or other rights. More extensive discussions of infringement and the rights and responsibilities of both the rights holder and the alleged infringer can be found at ICANN's discussion of the UDRP, URS, and the TMCH claims service.

- a. Terms that may infringe upon the rights of others include, but are not limited to:
 - i. company names, brand names, or product names;
 - ii. sport team and association names;
 - iii. terms that may mislead the public as to a connection with or the source of goods or services, or the true identity of a person.
- b. Registration or use of a domain name may be infringing if:
 - i. the domain name is identical or confusingly similar to a personal name, company, business, or other legal or trade name, or to a trade or service mark in which a third party has uncontested rights, including without limitation in circumstances which:
 - A. the registration or use is likely to deceive or confuse others in relation to the source of goods or services provided under or in relation to, or in respect of similar goods or closely-related services of a registered trademark; or
 - B. the registration or use deceives or confuses others in relation to the source of goods or services in respect of which an unregistered trademark or service mark has become a distinctive identifier of the goods or services of a third party complainant and in which the third party complainant has established a legal right; or
 - C. the registration or use trades on or passes off a domain name or a website or other content or services access through a resolution of a domain name as being the same as or endorsed by, authorised by, associated with, or affiliated with the established business, name, or reputation of another; or
 - D. the registration or use constitutes intentionally misleading or deceptive conduct in breach of the Registry Policies, applicable laws, or ICANN Consensus Policies; or
 - E. the domain name has been registered or used in bad faith, which includes, without limitation, the following:
 - 1. the Registrant has registered or used the domain name primarily for the purpose of unlawfully disrupting the business or activities of another person or entity; or
 - 2. by registering or using the domain name, the Registrant has intentionally created a likelihood of confusion with respect to the third party complainant's intellectual property rights or rights of publicity and as to the source, sponsorship, affiliation, or endorsement of website(s), email, or other online locations or services of a product or service available on or through resolution of the domain name.

- c. The Registry does not reserve or block domain name registrations for terms, or confusingly similar terms, which might infringe upon intellectual property or other rights. It is the responsibility of the Registrant to determine, prior to registering a domain name, whether or not a term might infringe the intellectual property or other rights of an entity or individual. The Registrant is solely liable in the event that the Registrants' use of a domain name constitutes an infringement or other violation of a third party's intellectual property or other rights.
- d. In the event that any party disputes a Registrant's legal right to register and/or use a domain name that allegedly infringes the rights of another or that allegedly infringing material is displayed on a website which is resolved via the domain name, the Registrant shall act in accordance with and agrees to be bound by ICANN's policies, including the UDRP and URS, and by the Registry CRS, as applicable.
- e. In the event that a Registrant has registered a domain name that infringes the rights of another, the Registry reserves the right, in cooperation with the sponsoring Registrar, to cancel or transfer such domain name registration as provided for in, and take such further action against Registrant as authorized by, these Registry Policies.

4. Other Naming Policies.

- a. Prospective Registrants are not permitted to submit an application for a domain name if they have previously submitted an application for registration for the same domain name where:
 - i. they are relying on the same eligibility criteria for each domain name applications; and
 - ii. the character string has previously been rejected by the Registry;
- b. Registrants who repeatedly try to register Reserved Names, Blocked Names, or domain names that infringe the rights of others may be banned from further registration of domain names and may have any domain names registered to them revoked or cancelled, as provided for in the Registry Policies.