

.IN ccTLD Registry Anti Abuse Policy Draft (Version 1.10) - Final

Section I: General

NIXI is the Registry operator (.IN Registry) of .IN Country Code Top Level Domain Names (ccTLD) and other Indian language based Internationalised Domain Names (IDN). The accredited Registrars under agreement with NIXI ensure that the ccTLD and the associated IDNs are freely available to all, worldwide, for registration and use, subject to availability and further subject to the [Reserved/Restricted Names List](#), containing names/words/terms which are forbidden for registration and use by general public, as 2nd and 3rd level Domains in conjunction with .IN ccTLD and its associated IDNs.

NIXI and its Registrar's respect the rights of the Domain Names Registrants to use their legitimately registered Domains for any or all purposes subject to the consideration that:

.IN Registry DNS service is a critical element of the Global Internet and is bound and committed to protect the users/public from security threats. NIXI will undertake all technical, legal and administrative measures to;

- a) Protect the integrity, trust, stability and security of its .IN and IDNs Namespace,
- b) Protect the legitimate Rights of third parties,
- c) Protect against breach of applicable Laws, Regulations, Rules & Court decisions,
- d) Protect against universally unacceptable criminal activities, select content & behaviour.

This updated Anti Abuse Policy, in the year 2022, is in line with extant Laws of India and generally in harmony with Global Anti [Abuse](#) Frameworks, principles and policies propounded by several [international bodies specialising in the subject](#).

Section II: Purpose of the Anti-Abuse Policy

The purpose of this Anti Abuse Policy is to update NIXI's already published Anti-Abuse Policy on its website as well as forming part of its Registry-Registrar Agreements, and to limit and contain unacceptable activities, misuse and abuse of Domain Names registered and therefore safeguard the integrity and stability of the .IN ccTLD and IDN's Domain Namespace infrastructure, facility and services.

This Policy defines and outlines, in detail, use of Domains for purposes which are not expressly permissible:

- a) All types of technical abuse(s) as defined currently and
- b) Abusive content on the domain, which are illegal as per Indian Laws and Regulations and/or are universally deemed unacceptable.

The parties involved in DNS abuse cases could be namely, the Abused, the Abuser and the Intermediaries.

This Anti Abuse Policy lists out the Actions which NIXI will initiate and enforce, such as Suspensions, Deletions and such other methods as detailed under this Policy, when instances of Abuses are reported to or come to the Notice of the .IN Registry.

These enforcement actions will be in addition to and not in replacement of other Redressal mechanisms such as .IN Dispute Resolution Policy (.INDRP) or the Uniform Rapid Suspension* (URS) actions which will be applied suitably based on nature of disputes arising.

The [INDRP](#) (based upon UDRP principles) and URS processes will mainly govern cybersquatting complaints brought by trademark holders against the Domain Names, while DNS Abuse Policy mechanism deals with all technical and specific types of content abuse of Domain Names, as per this Policy.

** .IN Registry's URS Policy will be announced separately. As a result, a Trademark holder will have option to file a Complaint under any of the three Policies.*

The Purpose of this Policy is also to ensure that all enforcement actions initiated and proceeded with by .IN Registry (NIXI) and its Registrars, in case of detection of Abuse instances, shall be proportionate and fair. .IN Registry (NIXI) will endeavour, on a best effort basis, to attempt that rightful Registrants, who may themselves be victims of malicious actors, herein referred to as Abused Registrants, will not be subject to onerous, disproportionate actions which exacerbates the damage to their legitimate usage and rights.

Section III: Definitions

(a) "Abused" is a legitimate registrant of a Domain Name, but could be a victim where his/her domain name is compromised by any third party Abuser for the purpose of carrying out abusive activities and includes a third party affected by the abuse;

(b) "Abuser" is a registrant of a maliciously registered domain name or otherwise a malicious actor who compromises or uses a compromised Domain Name for the sole purpose of carrying out impermissible abusive activities as outlined in this Anti Abuse Policy;

(c) "AI/ML" means Artificial Intelligence / Machine Learning;

(d) "Arbitral Tribunal" means an Arbitrator body appointed for the purpose to process and settle a particular dispute under this Anti Abuse Policy;

- (e) “Arbitrator” refers to experts who have expertise in Computer literacy/Judicial proceedings/ skills and Laws; possess a high sense of professional ethics and are capable of rendering independent and unbiased decisions;
- (f) “Arbitral Award” refers to the decision of an Arbitral Tribunal or by the Arbitrator;
- (g) “Complaint” means allegations as to domain name abuse made by a Complainant;
- (h) “Complainant” refers to the person/party who initiates complaint against the domain name abuse;
- (i) “Content” or “Information” includes data, message, text, images, sound, voice, codes, computer programmes, software and databases or microfilm or computer generated microfiche;
- (j) “Domain Name Abuse” means the prohibited activities defined as Technical or specified types of Content Abuse, under this Anti Abuse Policy;
- (k) “INDRP”, the .IN Domain Name Dispute Resolution Policy sets out the legal framework for resolution of dispute(s) between a domain name Registrant and a Complainant having rights in a Trademark or Service Mark, arising out of the registration and use of a Domain Name. It allows for cancellation or transfer of the Domain Name to the Complainant;
- (l) “.IN Registry” refers to National Internet Exchange of India (NIXI), a company registered under Section 25 of the Companies Act, 1956 (now Section 8 under Companies Act, 2013);
- (m) “Intellectual Property (IP)” includes Trademarks, Copyrights, Patents, Geographical Indications, Designs and related rights thereto;
- (n) “Intermediaries” include the Domain Name Registrars (their Resellers), Webhosts and Web service providers;
- (o) “KYC” means the verification process carried out by a Registrar in order to establish accuracy of the contact/WHOIS information;
- (p) “Mandatory Notifiers” means and includes the authorities from within India, who are recognised and whose Directions/Orders need to be implemented promptly by .IN Registry which includes Courts, Law Enforcement Agencies (LEAs), other Competent Government Authorities e.g. CERT-IN;
- (q) “Registrar” shall mean a domain name Registrar who is duly accredited with the .IN Registry pursuant to a Registrar Accreditation Agreement and is listed on the website of the .IN Registry, “registry.in”;
- (r) “Registrant” is a holder of the .IN and related IDN domain name(s);

(s) “Trusted Notifiers” means and includes the authorities / organizations listed under this Policy, and includes Mandatory Notifiers;

(t) “URS”, the Uniform Rapid Suspension process sets out the legal framework for suspension of domain name on a prima-facie Complaint made out by the Complainant having rights in a Trademark or Service Mark, arising out of the registration and/or use of a Domain Name. It allows for the suspension of the Domain Name for the remaining registration period;

(u) “Well-known Trademarks” are trademarks either declared as well-known by the Courts of Law in India or recognized as well-known under the Trademarks Act, 1999 and Rules thereof and including well-known marks listed at Indian Trademark Registry's website;

The other terms would have meaning as defined under Information Technology Act, 2000, amended in 2008 and Rules made thereunder.

Section IV: Prohibited Use of Domain Name(s)

The use(s) and actions as described in sub-sections IV (a) and IV (b) below, of .IN Domain Namespaces or its IDN's, are not permissible.

Section IV (a): Technically Abusive Activities;

- 1. Malware** (is malicious software, installed on a device without the user's consent, which disrupts the device's operations, gathers sensitive information, and/or gains access to private computer systems. Malware includes viruses, spyware, ransomware, and other unwanted software).
- 2. Phishing** (occurs when an attacker tricks a victim into revealing sensitive personal, corporate, or financial information (e.g. account numbers, login IDs, passwords), whether through sending fraudulent or “look-alike” emails, or luring end users to copycat websites. Some phishing campaigns aim to persuade the user to install malware disguised as legitimate software).
- 3. Pharming** (is the redirection of unknowing users to fraudulent sites or services, typically through DNS hijacking or poisoning. DNS hijacking occurs when attackers use malware to redirect victims to their own site instead of the one initially requested. DNS poisoning causes a DNS server to respond with a false IP address bearing malicious code. Phishing differs from pharming in that the latter involves modifying DNS entries, while the former tricks users into entering personal information).
- 4. Botnets** (are collections of Internet-connected computers that have been infected with malware and commanded to perform activities under the control of a remote administrator to carry out e.g., DDoS attacks).
- 5. Fast-flux hosting** (is used to disguise the location of Web sites or other Internet services, or to avoid detection and mitigation efforts, or to host illegal activities. Fast-flux techniques use the DNS to frequently change the location on the Internet to which the domain name of an Internet host or name server resolves, generally to hide phishing and pharming sites).

6. **Spam** (is unsolicited bulk email, where the recipient has not granted permission for the message to be sent, and where the message was sent as part of a larger collection of messages, all having substantively identical content. While Spam itself is not legally a technical abuse but would be considered Abusive if the unsolicited e-mail delivers phishing or pharming attacks or carries or delivers any form of malware).

Section IV (b): Website Content Abuse(s);

Generally, the Competent government authorities and/or the Courts will decide on the illegality of any content and order appropriate action/s. .IN Registry does not do so on its own. However, in exceptional cases, where certain types of content are universally recognized as seriously abusive use of Domain Name services and where authorized/trusted Notifiers bring to .IN Registry's notice the following types of content abuse(s), appropriate action(s) will be initiated by .IN Registry.

1. **Child Sexual Abuse material (CSAM)** – All forms of Content in relation to or involving the sexual exploitation and abuse of a child.
2. **Controlled Substances** – Content in relation to sale or trade of prohibited goods and services such as illegal narcotic drugs, psychotropic substances, illegal firearms and weapons.
3. **Human Trafficking** – Content in relation to unlawful act(s) of transporting or coercing people typically for forced/bonded labour and/or sexual exploitation.
4. **Violent extremist content** - Content which encourages violent action(s), endorsing any terrorist organization or its acts, or encouraging people to join such groups.
5. **Hate speech** – Content in relation to advocacy of regional, ethnic, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.
6. **Intellectual property Infringement/Piracy** – Content (not relating to the domain name itself) in relation to use of Domain Name for alleged trademark, patent or trade secret infringement, or piracy of copyrighted or licensed works.

Section V: Note on Disproportionality and Collateral Damage

- a) .IN Registry (NIXI) will act appropriately, and as per process, upon receipt or establishment of credible evidence of Website Content Abuse as per policy enumerated.
- b) However, it must be noted that .IN Registry and Registrar's by themselves cannot remove any specific abusive content without disabling the rest of the domain which may include any third-level domains, associated emails and legitimate content. In such cases, notifiers/complainants should first take action for removal of problematic content directly with the registrant, hosting provider level or website operator level.
- c) In case of failure of above (b), complaint may be escalated to respective Registrar and .IN Registry (NIXI), accompanied with evidences and credible proof of attempts made.
- d) A Domain Name may be attempted to be restored, where the Deletion is found to be an inappropriate action, even though it may involve additional burdens. In case of

doubtful complaints, a Domain Hold or Lock will be applied appropriately till a final decision is arrived at.

Section VI: Use of Trusted Notifiers

.IN Registry (NIXI) will engage with national and international Trusted Notifiers to monitor and help address the various categories of Abusive usage/s of .IN Domain Name and related IDN services, identified above, or any other abuse(s) that falls under our Anti Abuse Policy.

A. The following categories are the Mandatory Notifiers, who from within India are recognised and whose Directions/Orders will be implemented promptly by .IN Registry:

1. Indian Courts;
2. Competent Government Authorities e.g. CERT-IN;
3. Law Enforcement Agencies (LEAs).

B. Additionally, the following categories of Trusted Notifiers will generally be national and/or international agencies with established reputation for conducting credible due diligence, accuracy and defined processes for notifying .IN Registry & Registrars, as per Agreements, of instances of abuse, or on whose Notification, after conducting due diligence as necessitated, action may be initiated:

1. Reputation Block-List providers;
2. Mission based organisations dedicated to public safety issue.

C. Institutional Notifiers category will include Businesses or Individuals through their authorized representatives/legal Counsels who may bring IP/Copyright/Privacy violating instances to Registrar's Notice.

D. Individuals with public interest intentions or the Abused may notify the Registrars of abusive instances, only after ensuring and providing irrefutable evidence/s that the Domain/Content being complained against are in clear breach of the permissible uses under this Policy.

E. .IN Registry (NIXI) and its Registrar may deploy their tools and technology (e.g. AI/ML, etc.) to track and Flaglist instances of abuse as per this Policy, whereupon Registry & Registrars will initiate appropriate processes and actions.

Section VII: Actions for breach of Anti Abusive Policy

Upon receipt of:

- (a) Instructions/Orders from Trusted Notifiers at Category A; or

- (b) Complaints and Notices from other categories of Notifiers, if need be, upon conducting proper due diligence and establishing credible evidences of abusive instances; or
- (c) Decisions of Arbitral Service Providers with jurisdiction over .IN Registry (NIXI) or its Registrants.

.IN Registry (NIXI) will take one or more of the following Actions as may be necessitated as per due procedures laid down:

1. **Hold/Suspend** the domain name so it does not resolve. This removes the domain name from the TLD zone file, so the domain name will no longer resolve on the public Internet. In the event that the request was made in error, this action may be reversed as per laid out redressal mechanism.
2. **Lock** the domain name so it cannot be changed. A locked domain cannot be transferred, deleted or have its details modified/updated (as will reflect in EPP status Codes) but will still resolve on the public Internet.
3. **Redirect** name services for the domain name. .IN Registry can change a domain name's nameservers. By changing the nameservers for the domain name, services associated with the domain name can be redirected for "sink-holing" (logging traffic to identify victims in case of remedial actions).
4. **Transfer** the domain name to a suitably-qualified Registrar to prevent exploitation, whilst allowing for management of lifecycle, EPP status codes, and expiration.
5. **Delete** the domain name. Deletion being an extreme action to be done only after careful due diligence and or if directed to do so by a Mandatory Notifier.
6. **Take no Action** - In case it is determined that no sufficient evidence is provided, or request for action is not appropriate (that it is not a defined abuse case), .IN Registry will notify requester and not take any deterrent/suspension action or may refer for further investigations.
7. **Partial Takedown of Abusive Content** - .IN Registry will notify the concerned Registrar to engage/instruct the concerned Publisher, Hosting and/or Web service provider to delete the offending/abusive content.

Section VIII: Procedure for taking Action by .IN Registry (NIXI)

- a) Upon receipt of any Complaint, .IN Registry (NIXI) through its authorised Nodal Abuse Official(s) will forward the Complaint to an Independent Panel, who will collect and record the evidences to establish a prima-facie case that a breach of Anti Abuse Policy has taken place or otherwise.
- b) Wherever needed, Independent Panel may seek further information and evidence(s) from the complainants to verify and establish the veracity of the breach of Anti Abuse Policy;
- c) Based on the credible evidence(s), .IN Registry (NIXI) will decide on the issuance of either Prior Notices or Post Facto Notices after Appropriate Action is implemented as the case may be under sub-sections (d) and (e) below.

d) Notice to Registrant before Action (Prior Notice)

In cases, generally of Content Abuse issues, where .IN Registry (NIXI) or Registrar receives complaints (for example of copyright infringement, allegations of Hate speech), where content may be inferred to be illegal or fraudulent, or where further investigation may be required, .IN Registry will direct Registrar to issue due notification to the Registrant to respond to queries or remedy the breach.

Registrants are free to provide evidence(s) to refute allegations of abuse, which will be considered and in case of reliable evidence, notices can be considered for withdrawal.

Failure to act on the Notices will result in .IN Registry Operator and the Registrar taking the Appropriate Actions on the Domain Name(s) without further Notice to the Registrar.

e) Notice to Registrant after Action (Post Facto Notice)

In cases where .IN Registry or Registrar receives Complaint of DNS Technical abuse from a Mandatory Notifier, directing action against a Domain Name, Notification to the Registrant may be or may not be provided, as the case maybe, after the Appropriate Action has been taken.

In the case of a compromised domain (where a registrant's credentials are compromised and the domain is put to abusive purposes without the registrant's consent or knowledge), notice will be issued to reinstate the domain name only to its prior, unabused state.

The .IN Registry shall maintain and publish abusive domain list at its website www.registry.in. The list shall contain the list of domain names, against which reasoned action has been taken under this Section and the timelines for appeal under Section IX have expired, provided that the domain name will be removed from the abusive domain list, in case of determination that suspended Domain Name/s are restored as per circumstances arising out of sub-section IX (a).

Section IX: Redressal & Appeals Mechanism for Registrants facing Suspensions/Actions

Registrants facing a Prior Notice or a decision of Appropriate Action for Breach of Anti Abuse Policy of the .IN Registry (NIXI) will have the right to seek redressal, escalate the grievance and appeal in the following manner:

- a) Respond to Prior Notices with evidences refuting allegations of breach of provisions of .IN Registry's Anti Abuse Policy as under:
 - (i) Registrant may produce proof that the domain was compromised without his/her knowledge; or

- (ii) Registrant shows that the wrong domain name is being/was suspended; or
- (iii) If a domain was removed from a blacklist of a Reputed Notifier that was relied upon prior to decision to suspend; or
- (iv) Registrant shows that the notice or decision of action against the domain name is (factually or legally) incorrect.

Provided the action taken under this sub-section can be over ruled by an Order/Direction of a Mandatory Notifier.

- b) Registrant in case of (a) above may, in writing to the .IN Registry, seek to lift the suspension or withdraw the decision to take Appropriate Action.
- c) If the .IN Registry refuses to lift the suspension or withdraw the intended Appropriate Action, or does not respond to the appeal or after a lapse of the specified time period, the Registrant may file an Appeal with the .IN Registry, under this Policy, for invoking an Arbitration process in terms of Arbitration and Conciliation Act, 1996 (as amended).
- d) Where the Registrant obtains a favourable Arbitral decision, .IN Registry will take action to restore the Domain Name (only) to the appealing Registrant.
- e) NIXI reserves the right to place upon registry lock, hold or redirect, etc. a domain name during the period from receipt of Appeal to the final resolution of that Appeal.
- f) All Decisions under Appeal will be published on the www.registry.in website, except in cases when an Arbitrator decides to redact specific portions of his/her Decision.
- g) The Redressal & Appeals mechanism applies except in cases where Suspensions & Appropriate Actions are taken as per directions / orders from a Mandatory Notifier.

Section X: Reasonable practices to be adopted by Domain Registrars

- a) To undertake the KYC Process to validate and verify the accuracy of Registrant's contact / WHOIS information;
- b) To use predictive algorithms or other methods to prevent abusive registrations, especially of well-known trademarks;
- c) To monitor abuse rates on on-going basis and keep proper records thereto;

.IN Registry will separately consider and create operational guidelines for Registrars for their initiative and ability to handle and mitigate abuses and improve the quality of use of .IN Domains Namespace.

Section XI: Jurisdiction

Any or all disputes shall be subject to the Indian laws; and subject to the foregoing, the Courts at Delhi shall have exclusive jurisdiction as the Seat of Arbitration shall be at Delhi for all Arbitration Proceedings, except where international Arbitral forums are approached.

Section XII: Policy Modifications

a) NIXI reserves the right to add, delete, amend or modify this Policy (and the rules framed hereunder) at any point of time. The revised policy shall be posted on the website of the .IN Registry at www.registry.in at least Fifteen (15) calendar days before it becomes effective.

b) The complaints submitted prior to the date of implementation of the revised policy would be entertained and decided in accordance with the policy in force at the time of filing of such Complaint. However, any or all complaints filed on or after the effective date of revised policy shall be governed/dealt in compliance to the revised policy.

Section XIII: INDEMNITY AND LIMITATION OF LIABILITY

(a) The Registrants/Complainants (the “indemnifying party”) agrees to indemnify against and in respect of any loss, liability or damage (including reasonable attorney’s fees, as incurred) incurred or sustained by NIXI, .IN Registry, Registrar and the Arbitrators (the “Indemnified party”) as result of any breach of the terms of this Policy, and any gross negligence, negligent failure to act, misfeasance, bad faith or wilful misconduct/ default by the indemnifying party with respect to the actions contemplated by this policies. In no event shall the Indemnified party’s liability at any point in time exceed the Fee paid by the indemnifying party to the Indemnified party at such point of time.

(b) NIXI, .IN Registry, Arbitration tribunal and its officers shall not be legally liable in any case for any act or omission in whatever capacity they may have acted in connection with or in relation to a Complaint received under these Rules.

(c) No party shall bring or prosecute any suit or proceedings whatsoever against the NIXI, .IN Registry, Arbitration tribunal and its officers, for or in respect of any matter or thing purporting to be done under these Rules nor any suit or proceedings in respect thereof (save for enforcement of the award) against the other party.

DNS Anti Abuse Policy Draft – Version 1.10 (Final)

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