



usTLD Nexus Requirements Policy

2021 Registry Services, LLC

Registrants in the usTLD must be either:

1. A natural person (i) who is a United States citizen, (ii) who is a permanent resident of the United States of America or any of its possessions or territories, or (iii) whose primary place of domicile is in the United States of America or any of its possessions [Nexus Category 1],
2. A United States entity or organization that is (i) incorporated within one of the fifty (50) U.S. states, the District of Columbia, or any of the United States possessions or territories, or (ii) organized or otherwise constituted under the laws of a state of the United States of America, the District of Columbia or any of its possessions or territories (including a federal, state, or local government of the United States or a political subdivision thereof, and non-commercial organizations based in the United States) [Nexus Category 2], or
3. A foreign entity or organization that has a bona fide presence in the United States of America or any of its possessions or territories [Nexus Category 3].

Prospective Registrants will certify that they have a “bona fide presence in the United States” on the basis of real and substantial lawful connections with, or lawful activities in, the United States of America. This requirement is intended to ensure that only those individuals or organizations that have a substantive lawful connection to the United States are permitted to register for usTLD domain names.

It shall be a continuing requirement that all usTLD domain name Registrants remain in compliance with Nexus. To implement the Nexus requirement, the usTLD Administrator will:

- Require that Registrars certify that they enforce the Nexus requirement upon their Registrants, and that Registrars require Registrants to certify that they meet the Nexus requirement.
- Conduct a scan of selected registration request information.
- Conduct “spot checks” on Registrant information.

Information Collected From Registrants

To register a name, Registrants (through their Registrars) will be required to provide basic registration information to the Registry. The minimum required information is:

- The domain name registered;
- The IP address and corresponding names of the primary and secondary name servers for the registered name;
- The Registrar name and URL or, where appropriate, the identity of the delegated

manager under whom the name is registered;

- The original creation date and term of the registration;
- The name and postal address of the domain name Registrant;
- The name, postal address, e-mail address, voice telephone number, and (where available) fax number of the name holder for the name registered;
- The name, postal address, e-mail address, voice telephone number, and (where available) fax number of the technical contact for the name registered; and
- The name, postal address, e-mail address, voice telephone number, and (where available) fax number of the administrative contact for the name registered.

In addition to the above information, Registrants will be required to provide certain additional Nexus information to their Registrars. Except where it is noted below that a registration will be rejected if information is missing, failure of a registration to satisfy the Nexus requirement will result in the name being placed upon a 30-day hold, during which time the Registrar will be notified and given the opportunity to correct the information with the Registrant. If no action is taken by the Registrar within the 30-day period, the registration will be cancelled and the name will be returned to “available” status. The registration fee will not be refunded. If, on the other hand, the Registrar is able to demonstrate compliance with the requirement and the information is corrected, the hold will be released and the name will be registered.

- Certification that Registrant satisfies Nexus requirement – if not completed, then registration will be rejected;
- Basis for compliance (Nexus Category 1, 2, or 3) – if not completed, then registration will be rejected;
- Certification that the listed name servers are located within the United States – if not completed, then registration will be rejected.

Nexus Category 1

A natural person (i) who is a United States citizen, (ii) who is a permanent resident of the United States of America or any of its possessions or territories, or (iii) whose primary place of domicile is in the United States of America or any of its possessions.

Statement of citizenship or legal permanent residency required. If not completed, registration will be rejected.

Nexus Category 2

A United States entity or organization that is (i) incorporated within one of the fifty (50) U.S. states, the District of Columbia, or any of the United States possessions or territories, or (ii) organized or otherwise constituted under the laws of a state of the United States of America, the District of Columbia or any of its possessions or (including a federal, state, or local government of the United States, or a political subdivision thereof, and non-commercial organizations based in the United States).

Nexus Category 3

A foreign entity or organization that has a bona fide presence in the United States of America or any of its possessions or territories.

- Applicant must state country of citizenship.
- Applicant must also (1) regularly engage in lawful activities (sales of goods or services or other business, commercial or non-commercial including not-for-profit activities) in the United States; or (2) maintain an office or other property within the United States.

Category 3 Nexus Certification

Prospective Registrants will certify compliance with Category 3 Nexus based upon substantial lawful contacts with, or lawful activities in, the United States.

Factors that should be considered in determining whether an entity or organization has a bona fide presence in the United States shall include, without limitation, whether such prospective usTLD domain name Registrant:

- Regularly performs lawful activities within the United States related to the purposes for which the entity or organization is constituted (e.g., selling goods or providing services to customers, conducting regular training activities, attending conferences), provided such activities are not conducted solely or primarily to permit it to register for a usTLD domain name and are lawful under the laws and regulations of the United States and satisfy policies for the usTLD, including policies approved and/or mandated by the DoC;
- Maintains an office or other facility in the United States for a lawful business, noncommercial, educational or governmental purpose, and not solely or primarily to permit it to register for a usTLD domain name.

Classification

© 2021 Registry Services, LLC All Rights Reserved

Definitions

We, us and our means any or all of Registry Services, LLC, its subsidiary entities and their respective officers, employees, contractors or sub-contractors.

Disclaimer

This document has been produced by us and is only for the information of the particular person to whom it is provided (the Recipient). This document is subject to copyright and may contain privileged and/or confidential information. As such, this document (or any part of it) may not be reproduced, distributed or published without our prior written consent.

This document has been prepared and presented in good faith based on our own information and sources which are believed to be reliable. We assume no responsibility for the accuracy, reliability or completeness of the information contained in this document (except to the extent that liability under statute cannot be excluded).

To the extent that we may be liable, liability is limited at our option to replacing, repairing or supplying equivalent goods or paying the cost of replacing, repairing or acquiring equivalent, or, in the case of services, re-supplying or paying the cost of having such re-supplied.

Confidentiality Notice

This document contains commercially sensitive information and information that is confidential to us. This document is intended solely for the named recipient, and its authorised employees, and legal, financial and accounting representatives (collectively, Authorised Recipients).

The recipients of this document must keep confidential all of the information disclosed in this document, and may only use the information for the purpose specified by us for its use. Under no circumstance may this document (or any part of this document) be disclosed, copied or reproduced to any person, other than the Authorised Recipients, without our prior written consent.

Trademarks Notice

Any of our names, trademarks, service marks, logos, and icons appearing in this document may not be used in any manner by recipients of this document without our prior written consent. All rights conferred under law are reserved.

All other trademarks contained within this document remain the property of their respective owners, and are used only to directly describe the products being provided by them or on their behalf. Their use in no way indicates any relationship between us and the owners of those other trademarks.

