

# ***.FLICKR TLD Domain Name Terms and Conditions***

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## .FLICKR TLD Domain Name Terms and Conditions

This .FLICKR TLD Domain Name Terms and Conditions (.FLICKR TLD T&Cs) sets out the terms and conditions governing the registration and use of domain names in the .FLICKR Top Level Domain.

The .FLICKR TLD T&Cs may be updated periodically, without prior notice. The current version can be found at [nic.flickr/policies](http://nic.flickr/policies), and continued registration or use of a .FLICKR domain name after any update constitutes acceptance of the current version. The only remedy in case of any disagreement with the current terms of the .FLICKR TLD T&Cs is to cancel your domain name registration.

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

Any undefined capitalised term in the .FLICKR TLD T&Cs shall have the meaning set out in the ICANN Registry Agreement applicable to the .FLICKR Top Level Domain, available at <https://www.icann.org/resources/agreement/flickr-2015-04-02-en>.

### General/Definitions

**Abuse Point of Contact** means the .FLICKR Top Level Domain's abuse response team, which can be contacted at [abuse\\_flickr@valideus.com](mailto:abuse_flickr@valideus.com).

**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 Trademark Clearinghouse-validated trade mark. In this regard, marks which would be identical to Trademark Clearinghouse-validated trade marks but for the following amendments qualify as Identical Matches: (a) spaces contained within a mark that are either replaced by hyphens or omitted; (b) only certain special characters contained within a trade mark are spelled out with appropriate words describing it (“@” and “&”); (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 and still be considered Identical matches; and (d) no plural or “marks contained” (e.g., “brandx” in “brandxproducts”, “productsbrandX”, or “productsbrandXhere”).

**Registrar** means an ICANN-accredited registrar authorized to provide domain name registration services in the .FLICKR TLD.

**Registry Services Provider** means the entity providing back-end technical and operational services for the .FLICKR Registry, in this case, Neustar.

**Top Level Domain** means the final characters after the dot in a domain name; in the case of “nic.flickr”, this is “.flickr”.

**Trademark Claims** means the process whereby notice is given to a prospective domain name registrant concerning the scope of the rights of a trade mark owner whose mark is an Identical Match to the requested domain name, and whereby the prospective registrant warrants that: (i) they have received notification that the mark(s) is included in the Trademark 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 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 Trademark Clearinghouse will notify the mark holder(s) of the registration.

**Trademark Clearinghouse** means the central storage repository of validated (authenticated) trade mark rights-related data and information for dissemination with respect to trade mark rights protection mechanisms and other registry-related services mandated by ICANN and currently run by Deloitte.

**Yahoo (or “we” or “us”)** means Yahoo Domain Services Inc.

**.FLICKR** means the .FLICKR Top Level Domain.

**.FLICKR TLD Registration Policy** means the .FLICKR TLD Domain Name Registration Policy which sets out the eligibility criteria for domain names in the .FLICKR Top Level Domain.

**.FLICKR TLD T&Cs** means the .FLICKR TLD Domain Name Terms and Conditions which sets out the terms and conditions governing the registration and use of domain names in the .FLICKR Top Level Domain, and which incorporates, as relevant, the Yahoo Terms of Service as posted at <https://policies.yahoo.com/us/en/yahoo/terms/utos/index.htm>, and any corporate brand guidelines which may be provided from time to time.

**You or your** means an individual or entity seeking to initiate registration of a .FLICKR domain name, or if allowed, the domain name registrant.

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

*All communications and information under this .FLICKR TLD T&Cs shall be in English.*

## Registration Terms & Conditions

By submitting a request to register a .FLICKR domain name, or by asking us to maintain or renew a .FLICKR domain name registration, you agree to the following terms and conditions:

- you have read and understood, and agree to be bound by the .FLICKR TLD Registration Policy and the .FLICKR TLD T&Cs
- you warrant and represent that you meet the .FLICKR domain name registration eligibility criteria
- you warrant and represent that you are legally capable, and authorized to enter into an agreement for a .FLICKR domain name registration
- you acknowledge and agree that all .FLICKR domain name registrations are, and shall irrevocably remain, the sole property of Yahoo and that any attempted transfer, delegation, or assignment to any third party may be considered void ab initio
- registration of a .FLICKR domain name merely provides you with a temporary, revocable, and non-transferrable license to register or use that domain name, and you agree that all

.FLICKR domain name registrations are made for the benefit of Yahoo in furtherance of its goals and operating principles

- you agree that Yahoo’s Whois data requirements require you to provide your complete, accurate, and current contact details in order to undertake a .FLICKR domain name registration; you also agree that, pursuant to its contractual obligations to ICANN or for any reason determined appropriate in its sole discretion, Yahoo may publish these contact details or provide them to third parties
- you agree to immediately (but at least within 48 hours of any change) update your contact details, and to certify their accuracy annually if requested by the Registrar
  - you agree that any change or update to your contact details may be subject to prior approval by Yahoo
  - Yahoo reserves the right to periodically verify your contact details, and to cancel, suspend, or revoke your domain name registration for any non-compliance with the .FLICKR TLD Registration Policy or the .FLICKR TLD T&Cs including your obligation to provide accurate and current contact details
  - you agree to indemnify and hold Yahoo harmless for any communication failure due to your provision of inaccurate contact details
  - you understand that Yahoo disclaims all liability for any communication failure due to your provision of inaccurate contact details
- you understand and agree that if relevant, and in appropriate circumstances, the publicly-available Whois information for .FLICKR domain name registrations may reflect Yahoo as the domain name registrant
- you 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
- you agree that Yahoo reserves the right, in its sole discretion to lock, suspend, cancel, revoke, or otherwise make changes to your domain name registration pursuant to the .FLICKR TLD Registration Policy, the .FLICKR TLD T&Cs or as otherwise deemed necessary by Yahoo in its sole discretion
- you agree that for certain aspects of the management of the .FLICKR Top Level Domain, for example a rapid takedown process, Yahoo may delegate certain functions to an agent such as its Registry Services Provider
- you agree to the applicability of ICANN-mandated Rights Protection Mechanisms, including
  - the Uniform Domain Name Dispute Resolution Policy (“UDRP”); the UDRP and rules are located at: [www.icann.org/dndr/udrp/policy.htm](http://www.icann.org/dndr/udrp/policy.htm)
  - the Uniform Rapid Suspension system (“URS”); the URS and rules are located at: <http://newgtlds.icann.org/en/applicants/urs>

YOU AGREE TO THE APPLICABILITY OF YAHOO'S TERMS OF SERVICE, WHICH ARE HEREBY INCORPORATED HEREIN, AVAILABLE AT <https://policies.yahoo.com/us/en/yahoo/terms/utos/index.htm>, INCLUDING IN PARTICULAR BUT WITHOUT LIMITATION AS TO INDEMNITY, DISCLAIMERS OF WARRANTIES, AND LIMITATION OF LIABILITY.

You agree that Yahoo reserves the right, in its sole discretion, to suspend, lock, cancel, revoke, or otherwise alter any .FLICKR 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 Yahoo in its sole discretion: (i) to protect the interests of Yahoo; (ii) to comply with any laws, court or law enforcement requests, or any dispute resolution process including ICANN rights protection mechanisms; (iii) to avoid any civil or criminal liability against Yahoo or its Affiliates, subsidiaries, officers, directors, employees, agents, consultants, or contractors; (iv) pursuant to the .FLICKR TLD Registration Policy or the .FLICKR TLD T&Cs; or, (v) to remedy any error in connection with a .FLICKR domain name registration; or vi) as otherwise deemed necessary by Yahoo in its sole discretion.

### Rapid Takedown Process

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

In the event a rapid takedown process is initiated, after assessment by Yahoo, the Registrar may be contacted for its cooperation in taking the subject domain name down (by locking or suspending the domain name, or placing it on hold or deleting it), unless a compelling argument is provided by the Registrar to Yahoo 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 Yahoo's request, Yahoo may place the subject domain name on "ServerHold" or any other status it deems necessary or appropriate. If Yahoo determines that the subject domain name is being used to threaten the stability or security of the .FLICKR Top Level Domain or is a part of a real-time investigation by law enforcement, Yahoo reserves the right to immediately remove the subject domain name from the zone, in which case Yahoo will inform the Registrar of such action being taken.

### Abuse Prevention and Mitigation

Yahoo will not tolerate abusive or malicious conduct (including, but not limited to: illegal or fraudulent actions, spam, phishing, pharming, distribution of malware, malicious fast flux hosting, botnets, distribution of illegal child sexual images, online sale or distribution of illegal pharmaceuticals) in the .FLICKR Top Level Domain. In addition to any monitoring Yahoo may undertake to prevent abusive or malicious conduct, Yahoo has established an abuse point of contact for handling complaints or concerns related to any such conduct, 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 .FLICKR Top Level Domain.

In the event of any suspected abusive or malicious conduct or violation of the .FLICKR TLD Registration Policy, the .FLICKR TLD T&Cs or any applicable laws, Yahoo may suspend or lock your domain name registration pending resolution of any such suspected violation. Yahoo may also initiate a rapid takedown process to handle such complaints or suspected violations.

While respecting privacy and confidentiality, Yahoo may periodically conduct technical analyses to assess whether domain names in the .FLICKR Top Level Domain are being used to perpetrate security threats, such as pharming, phishing, malware, or botnets. If Yahoo identifies security risks that pose an actual risk of harm, it will notify the Registrar and, if the registrar does not take immediate action, Yahoo may suspend the domain name until the matter is resolved.

Yahoo or its delegate may remove orphan glue records (see [www.icann.org/en/committees/security/sac048.pdf](http://www.icann.org/en/committees/security/sac048.pdf)) when provided with written evidence that such records are present in connection with malicious conduct.

## Abuse Point of Contact

Inquiries, whether from law enforcement or the general public, related to alleged abusive or malicious conduct in the .FLICKR Top Level Domain should be directed to the .FLICKR Abuse Point of Contact. Complaints may also concern Whois information accuracy, or concerns that a domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise to engage in activity contrary to applicable law.

The .FLICKR Abuse Point of Contact can be reached by email at: [abuse\\_flickr@valideus.com](mailto:abuse_flickr@valideus.com).

## Data & Privacy

BY APPLYING TO REGISTER A .FLICKR DOMAIN NAME, OR BY ASKING US TO MAINTAIN OR RENEW A DOMAIN NAME REGISTRATION, YOU AGREE TO THE APPLICABILITY OF THE CURRENT VERSION OF THE PRIVACY POLICY AS DESCRIBED IN THE *YAHOO TERMS OF SERVICE* AVAILABLE AT <https://policies.yahoo.com/us/en/yahoo/terms/utos/index.htm>.

You agree that Yahoo's Whois data requirements require you to provide your complete, accurate, and current contact details in order to undertake a .FLICKR domain name registration; you also agree that, pursuant to its contractual obligations to ICANN or for any reason determined appropriate in its sole discretion, Yahoo may publish these contact details or provide them to third parties.

You also agree that ICANN may conduct Whois verification and checks on a statistically significant basis to identify registrations with deliberately false, inaccurate or incomplete Whois data at least twice a year which may result in the Registrar contacting you to solicit accurate and complete Whois contact information.

## Disputes

ALL DISPUTES BETWEEN YOU AND YAHOO CONCERNING YOUR REGISTRATION OF A .FLICKR DOMAIN NAME SHALL BE HANDLED ACCORDING TO THE TERMS OF THE *YAHOO TERMS OF SERVICE*, AVAILABLE AT: <https://policies.yahoo.com/us/en/yahoo/terms/utos/index.htm>.

All disputes between you and a third party concerning that third party's rights shall be handled according to the terms of the UDRP or URS (see Registration Terms & Conditions), court, or other appropriate adjudicatory system.

### (i) UDRP

By registering a .FLICKR domain name, you agree 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](http://www.icann.org/dndr/udrp/policy.htm).

*The UDRP is an out-of-court dispute resolution procedure (applicable to all Top Level Domains) for adjudicating a claim by a third party that your registration and use of a .FLICKR domain name infringes their trademark rights, i.e., your domain name registration is Identical or confusingly similar to a trademark in which the third-party complainant has rights, you have no rights or legitimate interests in the domain name, and your registration and use of the domain name are in bad faith; a successful UDRP proceeding would result in either the cancellation of your domain name, or the transfer of your domain name registration to the complainant.*

### (ii) URS

By registering a .FLICKR domain name, you agree 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 your registration and use of a .FLICKR domain name infringes their trademark rights, i.e., your domain name registration is Identical or confusingly similar to a trademark in which the third-party complainant has rights, you have no rights or legitimate interests in the domain name, and your registration and use of the domain name are in bad faith; a successful UDRP proceeding would result in the suspension cancellation of your 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

For the first 90 days after the .FLICKR Top Level Domain is open for general registration (the “Trademark Claims Period”), an attempt to register a domain name that is an Identical Match to a Clearinghouse-validated mark will trigger a Trademark Claims Notice (see Annex). Upon a registrant’s confirmation that they have received and understand the Trademark Claims Notice, and that to the best of their knowledge the registration and use of the requested domain name will not infringe the trademark rights listed in the Trademark Claims Notice, a request for registration will be managed by Yahoo in accordance with the .FLICKR TLD Registration Policy.

If, pursuant to the .FLICKR TLD Registration Policy, a request to register a .FLICKR domain name which is an Identical Match to a Clearinghouse-validated mark is eligible and subsequently registered, Yahoo or the Registrar will notify the relevant mark holders(s) of the registration.

For purposes of .FLICKR Trademark Claims, Yahoo will recognise and honour all word marks that have been or are:

- (i) nationally or regionally registered;
- (ii) court-validated; or

(iii) 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.

## 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 [info] page>.