

CHRISTMAS ISLAND INTERNET ADMINISTRATION LIMITED
AUP COMPLAINT FORM
Version 3

CIIA's ACCEPTABLE USE POLICY ENFORCEMENT PROCEDURE

The Acceptable Use Policy ("AUP") governs, and sets forth policies relating to, the use of the CIIA Limited ("CIIA") computer systems, hardware, servers, bandwidth, telecommunications transport, and e-mail routing (together, the "CIIA Network"). This "Enforcement Procedure" sets forth guidelines for third parties which have a complaint about users of the CIIA system who may be acting in violation of the AUP.

1. FILING A COMPLAINT

Any party who believes a .CX domain name registrant ("Registrant") has violated the AUP must provide certain documentation to CIIA in order for CIIA to investigate and evaluate the claim. In order to initiate this Enforcement Procedure, the party who wishes to complain about a potential AUP violation (the "Complainant") must completely and thoroughly fill out the Acceptable Use Policy Violation Form (the "Complaint Form") and mail it to CIIA following the directions contained in the Complaint Form.

The Complaint Form can be found at <http://www.nic.cx>. Complainants should thoroughly review the Complaint Form and strictly follow the directions regarding the necessary information and transmittal of the Complaint Form to CIIA. CIIA will only evaluate claims under the Enforcement Procedure if the Complainant provides all the information in the Complaint Form. If the Complaint Form sent to CIIA is incomplete, it will be sent back to the Complainant with a request for more information and CIIA will take no further action until the Complainant provides all the necessary information for CIIA's evaluation. Complainants should be aware that CIIA will probably forward a copy of the Complaint Form to the Registrant for its review during the evaluation period.

2. EVALUATION BY CIIA

Once CIIA receives a completely filled out Complaint Form, CIIA will begin its evaluation procedure. Within four (4) calendar weeks of CIIA's receipt of the Complaint Form, CIIA will send the Complainant and the Registrant a letter and/or e-mail message ("Complaint Confirmation Letter") which will:

1. affirm receipt of the Complaint Form;
2. provide a Complaint Reference Number;
3. describe what action(s) are being taken by CIIA to remedy any violations;
4. for the Registrant, attach a copy of the Complainant's Complaint Form

If, after the Complaint Form has been submitted to CIIA, the Complainant discovers additional information relevant to the Enforcement Procedure, Complainant must again fill out the Complaint form (providing the Reference

**CHRISTMAS ISLAND INTERNET ADMINISTRATION LIMITED
AUP COMPLAINT FORM**

Version 3

Number, if received, and only the new information) and transmit the same to CIIA in accordance with the Complaint Form directions. The Complainant will receive a letter and/or email confirming that CIIA has received such updated information ("Complaint Update Confirmation Letter"). Complainants must provide all information in writing through the Complaint Form.

CIIA will not consider any information provided orally or by means other than the Complaint Form in its evaluation of the Complaint.

CIIA may request additional information or materials from the Complainant or from the Registrant to evaluate the claim. Complainant or Registrant may receive a Complaint Information Request ("Information Request") from CIIA with specific requests for information or documentation. The recipient of such Information Request should promptly provide the information in the Information request, if available, and return it to CIIA as soon as possible. After evaluating a complaint Form and considering all pertinent and updated information, CIIA, in its own and sole discretion may:

- terminate the registration;
 - suspend the registration;
 - contact the Registrant regarding the AUP violation and allow the Registrant a limited time period in which to cease and desist from the activity involved in the AUP violation;
- or
- contact the Registrant regarding the complainant, provide Registrant with a copy of the Complaint form and advise that CIIA has found no AUP violation, but that the Registrant may contact the complainant for more information.

3. GUIDELINES FOR REGISTRANTS

Registrant will receive a copy of Complainant's Complaint Form along with the Complaint Confirmation Letter from CIIA. The Registrant has sixty (60) days from the mailing date of the Complaint Confirmation Letter to provide information to CIIA which the Registrant feels is pertinent to the complaint made. Information must be submitted within the time frame in order for CIIA to consider it during the evaluation period and must include the Complaint Reference Number so that the letter is properly included with the other file materials.

4. FINAL DECISION

After considering all the information provided to CIIA by the Complainant and the Registrant, CIIA will determine what action, if any, should be taken with respect to the Registrant's domain name registration with CIIA. After CIIA considers a matter and has made its decision as to the action to be taken, CIIA will so notify the Complainant and the Registrant. There is no appeal

CHRISTMAS ISLAND INTERNET ADMINISTRATION LIMITED
AUP COMPLAINT FORM
Version 3

type process for decisions rendered by CIIA and all decisions made by CIIA with respect to an AUP violation Complaint are final.

However, CIIA may, in its sole discretion, consider any new information or evidence provided to it after a decision is made. Again, any such new information discovered after a final decision is made must be submitted through the Complaint Form process.

5. NOTIFICATION OF CLAIMED COPYRIGHT INFRINGEMENT

Notification of claimed copyright infringement must also be completed, like other AUP violations, through the Complaint Form Process. However, notification regarding claimed copyright infringement must include certain specific information which is detailed in the Complaint Form. Upon proper receipt of notification of the claimed infringement (i.e. a fully completed Complaint Form with Notification of Claimed Copyright Infringement Information Included) and upon evaluation to verify the claim, CIIA will act expeditiously to remove, or disable Access to, the material claimed to be infringing or to be the subject of infringing activity.

CIIA ACCEPTABLE USE POLICY VIOLATION COMPLAINT FORM

Instructions:

Please review the Acceptable Use Policy Enforcement Procedure before filling out this Complaint Form. Complainants wishing to give notice of a claimed copyright infringement must pay special attention to the directions in Section 11 of this Complaint Form.

All answers to the Information requests must be complete and truthful. A Complaint Form with incomplete information will be sent back to the Complainant with a request for more information.

CIIA NOT LIABLE

By signing below, the complainant agrees, acknowledges and understands that CIIA shall not be liable to Complainant, Registrant or any other party for any action CIIA takes, or any omission to act, pursuant to a Complaint Form filed with it, or any act or omission by CIIA in enforcing the Acceptable Use Policy. Complainant and Registrant acknowledge and understand that they waive any claims they may have against CIIA, whether now known or later known or discovered, pursuant to the filing of Complainant's Complaint Form or to CIIA's enforcement or lack of enforcement, of the Acceptable Use Policy. CIIA is not required to take any action pursuant to a Complaint Form filed with it and nothing in the Acceptable Use Policies or the Acceptable use Policy Enforcement Procedures shall be interpreted to require or obligate CIIA

CHRISTMAS ISLAND INTERNET ADMINISTRATION LIMITED
AUP COMPLAINT FORM
Version 3

In any way to take particular action, or any action at all, pursuant to the filing of a Complaint Form.

Transmittal to CIIA

This form must be printed out, completed, executed and mailed to CIIA to the following address:

CIIA Limited - Attn: AUP Complaint Agent
Christmas Island Technology Centre (VLU2)
Drumsite, Christmas Island
Indian Ocean 6798

You can reach an AUP complaint Agent by e-mail and by telephone as follows: E-mail: aup@nic.cx

Telephone +61 (0)8 9164 8808


Facsimile + 61 (0)8.9164.8879

Updated Information

If you have already submitted an Initial Complaint Form and are submitting this Complaint Form with updated information, please so indicate below and provide the Complaint Reference Number if available. Use additional sheets of paper or attachments if necessary when completing this Complaint Form.

CHRISTMAS ISLAND INTERNET ADMINISTRATION LIMITED
AUP COMPLAINT FORM
Version 3

CIIA COMPLAINT FORM

1. Complainant Name: *RHONDA CLARKE*
2. Complainant address: *CHRISTMAS ISLAND*
- Street address
- P.O. Box or Apt No.
- City, State, ZIP Code
- Country: *AUSTRALIA*
3. Complainant e-mail address: 
rckena@pulau.cx
4. Provide the .CX domain name of the Registrant whose activity of which you are complaining: (eg, "aupviolation.cx")

goatse.cx

5. Provide any other information regarding the Registrant If available to you (name, address, or contact information, nature of business):

none available

6. Specify the exact ACCEPTABLE USE POLICY provision(s) which you believe the Registrant is violating. You can review the ACCEPTABLE USE POLICY AT <http://www.nic.cx>. For example If you believe the Registrant is, by way of its .CX domain name, transmitting data which contains a virus, you would answer below: "AUP 2. (vii) - transmission of data which contains a virus"

"4) Communication, publication or distribution, either directly or by way of embedded links, of images or materials where that communication, publication or distribution would constitute a criminal offence pursuant to the laws of the Commonwealth of Australia or the Territory of Christmas Island, including but not limited to pornographic material and images or materials that are obscene or indecent or any data that is or has been intentionally constructed to be manipulated into obscene or indecent images or material, whether incorporated directly into a .CX web site utilizing a .CX Domain, or made accessible via a link on a .CX Domain."

"5.) Communication publication or distribution of adult or obscene content or images by way of embedded links in unsolicited email, postings

CHRISTMAS ISLAND INTERNET ADMINISTRATION LIMITED
AUP COMPLAINT FORM
Version 3

to news groups, Internet forums, notices to instant messaging programs, where the internet user is not explicitly made aware that by clicking on the link they would be directly exposed to adult or obscene content."

7. Describe in detail the activity performed by the Registrant which you feel is in violation of the ACCEPTABLE USE POLICY PROVISION specified above.

Numerous posts with embedded links to Internet forums and news groups which do not contain warnings of adult or obscene content. ICANNWatch, United Nations Internet Forum among others.

Links to unlawful obscene content (site which describes how to have sex with dolphins)

8. Provide any other material pertinent to your complaint. This may include specific web pages where the alleged violations are occurring, print out material which you may attach, or other documentation or evidence. For example if you are complaining against email spam, attach printed copies of the email with all headers intact.

9. If you are providing UPDATED information to supplement an existing submitted Complaint Form, please provide the COMPLAINT REFERENCE NUMBER and fill in any new information since the initial Complaint Form was filed.

COMPLAINT REFERENCE NUMBER:

UPDATED INFORMATION: (attached separately)

10. Declaration Of Complainant *I, the Complainant referenced above, declare the following: All statements made above are of my own knowledge and are true and that all statements made on information and belief are believed to be true. I swear under the penalty of perjury that the foregoing is true and correct.*

Name *RHONDA CLARKE*

Signature *R Clarke*

Dated this (Date) *11 Jan 2004*

Day of (Month) (Year)

at (Location of Execution) *Christmas Island*

CHRISTMAS ISLAND INTERNET ADMINISTRATION LIMITED
AUP COMPLAINT FORM
Version 3

11. NOTIFICATION OF CLAIMED COPYRIGHT INFRINGEMENT. *Fill out this portion of the Complaint Form ONLY if you allege that a registrant is committing copyright infringement.* ALL INFORMATION MUST BE COMPLETED IN THIS SECTION FOR THE NOTIFICATION OF CLAIMED COPYRIGHT TO BE EFFECTIVE.

(i) Provide the name and signature of the person authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

Name/Title:

Signature:

(ii) Identify the copyright work claimed to have been infringed, or if multiple copyrighted works at a single online site are covered by this notification of claimed infringement, a representative list of such works at this site.

(iii) Identify the material that is claimed to be infringing or this subject of infringing activity and that is to be removed or access to which is to be disabled, and information reasonably sufficient to permit CIIA to locate the material.

(iv) A Complainant who wishes to notify CIIA of claimed copyright infringement must execute the following Declaration:

I, the complainant referenced above, declare that I have good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent or the law. The information contained in this Complaint and specifically in this Notification of Claimed Copyright Infringement is accurate. I am authorized to act on behalf of the owner of an exclusive right that is already infringed. I swear under the penalty of perjury that the foregoing is true and correct.

Name

Signature

Dated this (Date)

Day of (Month) (Year)

at (Location of Execution)