

Anti-Abuse Policy for “.EMERCK”

Merck KGaA has developed and implemented this Anti-Abuse Policy (AAP), binding for all registrants of .EMERCK domain names. The goal of the AAP is to limit significant harm to Internet users, to enable Merck KGaA or accredited registrars to investigate and to take action in case of malicious use of domain names and to deter registrants from engaging in illegal or fraudulent use of domain names.

Merck KGaA defines abuse as an action that causes actual and substantial harm, or is a material predicate of such harm, and is illegal, illegitimate, or otherwise contrary to Merck KGaA’s policy.

“Abuse” includes, but is not limited to, the following:

- Use of a domain to defraud or attempt to defraud members of the public in any way
- Use of a domain to distribute or publish hateful, defamatory, or derogatory content based on racial, ethnic, or political grounds, intended or generally able to cause or incite injury, damage or harm of any kind to any person or entity
- Use of a domain name to publish content threatening or invading the privacy or property rights of a third party
- Use of a domain name to publish content that infringes the trademarks, copyrights, patent rights, trade secrets or other intellectual property rights, or any other legal rights of Merck KGaA or any third party, or any action infringing on the named rights
- Violation of any applicable local, state, national or international law or regulation
- Use of a domain name for the promotion, involvement in or assisting in, illegal activity of any kind, as well as the promotion of business opportunities or investments that are not permitted under applicable law
- Advertisement or offer for sale any unlawful goods or services in breach of any national or international law or regulation
- Use of domain names to contribute to the sale or distribution of prescription medication without a valid prescription as well as the sale and distribution of unlicensed or unapproved medication
- Distribution of Child Pornography or other content depicting minors engaged in any activity of a sexual nature or which may otherwise harm minors
- Use of domain names to cause minors to view sexually explicit material
- Any use of domain names with regard to spam in any form, including through e-mail, instant messaging, mobile messaging, or the spamming of Web sites or Internet forums, as well as advertising for a domain name through spam
- Initiation or intentional participation in denial-of-service attacks (“DDoS attacks”)
- The use of domain names in phishing activities, tricking Internet users into divulging personal data such as usernames, passwords, or financial data
- The use of domain names in pharming , such as DNS hijacking and poisoning
- The use of domain names for the intentional distribution of spyware, botware, keylogger bots, viruses, worms, trojans or other forms of malware
- The use of a domain name in unauthorized fast flux hosting, disguising the location of internet addresses or Internet services. Fast flux hosting may be used only with prior permission of Merck KGaA

- The use of domain names to command and control botnets, i.e. a network of compromised computers or “zombies”
- The use of domain names in activities intended to gain illegal access to other computers or networks (“hacking”), as well as any activity to prepare for such system penetration

In accordance with best practices in current generic Top Level Domains, Merck KGaA reserves the right to either directly or through the issuing of a request to an accredited registrar deny, cancel or transfer any registration or transaction, or place any domain name(s) on registry lock, hold or similar status, that it deems necessary, in its discretion:

1. to protect the integrity and stability of the “.EMERCK” TLD and/or prevent the abuse of any “.EMERCK” domain name
2. to comply with any applicable laws, government rules or requirements, requests of law enforcement, or any dispute resolution process
3. to avoid any liability, civil or criminal, on the part of Merck KGaA, as well as its affiliates, subsidiaries, officers, directors, and employees
4. per the terms of the Registry Agreement and this Anti-Abuse Policy or
5. to correct mistakes made by Merck KGaA, Registry Service Provider or any Registrar(s) in connection with a domain name registration

Merck KGaA also reserves the right to place a domain upon registry lock, hold or similar status name during resolution of an investigation or dispute.