Auction Rules

Introduction

1. This document is intended to provide potential Minds + Machines auction participants with all the information they may need to know to successfully participate in auctions for Minds + Machines TLDs. Additional information including FAQs is available on the auction site at http://mm.pool.com.

2. Any questions about auctions may be directed to service@pool.com.

3. Note that all times associated with auction scheduling are in GMT/UTC (Greenwich Mean Time/Universal Time Coordinates).

Auction Account

1. When you first submit your application to an accredited registrar, you will have a number of steps to follow before your domain is subject to auction. The Registry will conduct a series of validation steps including verifying your IP Rights (if applicable to you and as appropriate to the specific Sunrise you are participating in). Once your application has been "accepted" it will be compared to other applications to determine if any are for the same domain name. If there are none, then your name will be allocated to you by the Registry, if you are a Sunrise or Landrush applicant. If there is at least one other "competing" Sunrise or Landrush application, then your name will be placed in auction. Note that if duplicate applications exist for the same name between Sunrise and Landrush, then the Sunrise applications will prevail.

2. The data you provide in the domain application as submitted by you to your registrar (which may not necessarily be your whois data) will be used to automatically establish your Pool.com account. Note, this information is kept confidential and is only used to establish the data needed to process billing later in the auction process. In particular, your registrant email address is used as the primary login ID.

3. Contact information that you have provided when creating your Pool.com account will be used by Pool.com to contact you for ongoing auction and billing issues; Pool.com will not use it for other marketing purposes. If, for any reason, the contact information you have provided in the domain application as submitted by you is inaccurate, you may lose the domains you have won in auction.

4. When your auction account is created, we establish a unique bidder alias that is used to identify you to other auction participants. This bidder alias does not reflect any information about your account. You can change your bidder alias to one of your choosing but once set, it cannot be changed again.

5. When you create your Pool.com account, we use your credit card as a simple means to confirm your identity. When entered, we will place a pre-authorization (this is not a charge) for $60USD against your card. The pre-authorization is never confirmed and will disappear off your account in a matter of days depending on your financial institution.

6. Once you have entered your credit card data, you are now ready to place bids in Minds + Machines Auctions. Note that if you plan to bid at higher levels (i.e. greater than $8,000USD), you may also be subject to additional verification processes (see the Bidding section below).

7. It is your responsibility to safeguard your account userid and password. You accept full responsibility for any bids submitted or modifications made to your account, using this password.

8. You shall ensure that all Auction account information (including without limitation name, credit card information and email address) is at all times current, complete, and accurate. Any failure to keep your information current, including a failure to respond to requests by Minds + Machines or Pool.com, is a material breach of the terms and conditions and may result in you being declared ineligible to participate in Minds + Machines Auctions.

Bidding

1. Your Pool.com Auction account will give you access to all of your auctions that you have using the same email address.

2. Auctions follow a standard process flow: scheduled (upcoming), open and closed. You will receive an Auction Scheduled notice at least seven (7) days in advance of the auction starting. Once an auction starts (you will receive an Auction Start notice when an auction opens), you may place bids through the interface. Once closed, the auction is complete and if you are the winning bidder, you will proceed to the payment process.

3. If you choose to bid for a particular domain and you are the highest bidder at the end of an auction, you are obligated to complete the transaction and pay Pool.com the amount of your winning bid. **Carefully consider your bids prior to placing them—bids are not retractable under any circumstances.**

4. The placing of a bid is a two-step process. The first, allows you to enter your bid. Then, you will be prompted to confirm the bid you are placing to make sure there are no errors. Carefully review your bids before confirmation since any bid placed establishes your legal responsibility to complete the transaction up to that bid amount should the auction close with you as the winning bidder.

5. If no bids are placed on a particular domain, the Registry will register the domain on behalf of the first customer (in the respective phase) to submit an application through a registrar.

6. If you plan to place bids in excess of $8,000USD, you will need to pre-qualify your account through a separate verification process. The application may be obtained in the "Preferences" section of your Pool.com account, simply click on the link for "PreQualification".

7. If you are not prequalified, then any attempt to bid beyond $8,000USD will result in the bid being rejected. Consider that it may take some time to process prequalification requests. **It is strongly recommended that bidders complete the prequalification process well in advance of entering an auction to ensure you can place bids at this higher level when required.**

8. You will know if you are winning the auction as the current auction price in the auction interface will be highlighted in green (if you are losing the auction the name will be in red). This appears in the list of auctions on the Open Auctions page. At the time you place your bid, the system will confirm that you are the current high bidder if your bid exceeds the current highest bid (which may not be the auction value if the previous high bid was a proxy bid). When an auction ends, the auction system sends a confirmation email to the winning bidder, explaining which domain they have acquired, and the amount paid for the domain.

Proxy Bidding

1. At any point in the auction, in order for a bid to be considered "valid" (acceptable by the system) it must be at least one bidding increment above the current auction value. For example, if the auction is currently priced at $65USD and the bidding increment is $10USD, then the lowest possible acceptable bid is $75USD. The bidding increments change as the auction value increases. The bidding increment table is included in the FAQs on the auction site.

2. Any bid placed that is more than a single increment above the current auction price is considered a proxy bid. The system will only bid that portion of the bid submitted necessary to assume the auction lead (unless an existing proxy bid is greater than the one you submit in which case the entire bid is placed and you would likely be automatically outbid by the system placing a bid on behalf of the competitor with a higher maximum bid). There can only be one maximum bid for any auction at any point in time that may or may not be the actual auction value.

3. The auction system will continue to automatically bid on your behalf up to and including the value of your proxy bid (consider it your maximum) whenever you are outbid. You will see the same behavior if someone else has placed a high proxy bid and your bid is simply one increment above the current value. You may see the system immediately rebid on the proxy holder's behalf and thus retain the lead.

4. If a valid bid submitted matches an existing maximum proxy bid, then the auction value will be set to that maximum bid and the first participant having placed that bid will retain the lead.

5. A proxy bid is a convenient way for you to submit your maximum bid and allow the system to manage your bidding up to, but not exceeding, that amount on your behalf. Of course, if your maximum bid is exceeded, you will receive an "Outbid" email notification allowing you the opportunity to increase your maximum bid as appropriate. You will always have at least 24 hour's notice to be able to respond to being outbid (see Extensions below).

6. The value of a proxy bid is never displayed to other participants unless the auction value has surpassed the proxy bid value.

Extensions

1. The normal auction schedule lasts 7 (seven) days. Normally, auctions will start on Monday through Thursday and close one (1) week later. However, in the event of significant auction activity, an auction close may extend during the last twenty four (24) hours of scheduled operation.

2. Auction extensions are meant to provide a mechanism that is fair for bidders in all time zones to respond to being outbid.

3. An auction extension will occur whenever the auction lead changes in the last twenty four (24) hours of the schedule of an auction. The close will be revised to reflect a new closing time set at twenty four (24) hours after the change in auction lead occurred. Essentially, this means that a winning maximum bid has to remain unchallenged for a period of twenty four (24) hours before the auction will close.

4. It is important to note that extensions are not simply based on the auction value changing since this could occur as a result of proxy bidding where the same bidder

retains their lead. In this case, the maximum bid has not changed, the leader has not changed and therefore no extension will occur.

Auction Communications

1. Throughout the auction process you will receive ongoing email communications from Pool.com. These will originate from no-reply@pool.com. Please ensure this email address is whitelisted with your email provider to ensure important auction notices are not routed to your spam folder.

2. Participants in an auction will receive email notifications for a variety of purposes. These include:
    +   Initial account verification (as explained in Auction Account above)
    +   An auction is scheduled
    +   An auction is started
    +   The participant has been outbid and they will lose the auction if no further action is taken
    +   An auction end date/time has been extended
    +   Last day auction notification (for participants who have not placed any bids for that auction)
    +   The participant has won an auction
    +   Request for payment
    +   Confirmation of payment processed and allocation pending
    +   Once a domain name is allocated, the Registry will contact registrars directly indicating the status of the application for all their participant's domain names. Registrars will then email registrants and/or resellers regarding the awarding or loss of a domain auction.

Payment

1. All auctions are conducted and settled in USD (United States Dollars).

2. The registrar through whom you submitted your application is responsible for collecting any registration fees from you independent of the auction fees (which will be collected by Pool.com). Any questions about registration fees should be directed to your registrar.

3. Pool.com operates on a cumulative daily billing cycle so the payment method will depend on the amount due on that day and therefore will change as additional auctions close.

4. The payment methods for specific thresholds are as follow:
    +   For amounts less than $1,000USD the credit card specified on the account will be automatically billed.
    +   For amounts from $1,000USD to $8,000USD the acceptable credit card transactions will be using VerifiedByVISA or SecureMasterCard which has a secondary authentication process. You may alternately choose to submit a wire transfer.
    +   For amounts greater than $8,000USD a wire transfer will be required. The payee is responsible for any and all bank fees. You will want to pay special attention when submitting a wire payment to ensure that the full amount is sent to

Pool.com meaning your bank is deducting their fees from you not from the payment to Pool.com.

Domain Allocation

Upon successful completion of payment of auction fees, Pool.com will notify you directly through the email associated with your Pool.com account that your domain registration has been confirmed with Minds + Machines using the domain application data as submitted by you and contained in your account profile. It is your responsibility to ensure this email address is current. Pool.com has no role to play in the actual registration of your domain. This process is external to and independent of Pool.com and may be changed by Minds + Machines at any time.

Payment Default

1. In the event you as the winning bidder decide not to honor your payment obligations (or in the event of a reversal of payment or a charge back by a credit card company or other payment provider) on any outstanding balance, Minds + Machines has the right to cancel any/all of your winning registrations for any domain name where Minds + Machines is the Registry, regardless of whether they have been paid for or not. You do not have the right to "pick and choose" the names you wish to keep or not keep. Winning an auction creates an obligation to remit payment. Failure to remit payment is a breach of your agreement and will result in your Pool.com account being terminated. You will lose any previously won domains and will no longer be allowed to bid on any current/future auctions. Participants are encouraged therefore to consider carefully each bid submitted as any bid could be a winning bid.

2. Pool.com reserves the right to charge an administration fee to cover our time and expenses associated with the recovery of payment in the event of non-payment, reversal of payment, or a charge back by a credit card company or other payment provider.

3. All payments received will be applied to your account in consecutive order based on closing dates of the auctions you have one.