

<b>.ASIA Registry Policies Document</b>			
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<b>Executive Summary</b>			

This document describes the Sunrise policies and process for the launch of the .ASIA Registry in an orderly manner. The Sunrise process is generally separated into 3 main phases: Sunrise 1 provides priority for governments in the community to reserve and register domains; Sunrise 2 provides opportunity for Registered Mark owners to protect their names; and Sunrise 3 allows registered companies to register their entity names.

Sunrise 1 (SR1) is prefaced by a Pre-Sunrise period when governments from the region are invited to submit to the .ASIA Registry a list of Reserved Names. Details of the Reserved Names process are included in a separate document. During SR1, appropriate government bodies or relevant organisations may “activate” (i.e. apply to register) names from the Reserved Names list. The appropriateness of these applications will be verified through Governmental Acknowledgement References (GACKREF). GACKREFs will be the GAC representative of the corresponding government, or otherwise designated. SR1 applications will be processed and allocated based on a First-Come-First-Served model.

Sunrise 2 (SR2) is further refined into 3 sub-phases:

- SR2a: Early Bird Sunrise: Valid and issued trademarks with demonstrable usage in the Class for which it was registered, and is applied for before March 16, 2004 (Declaration of claim to an issued and valid Registered Mark along with documentary evidence in Acceptable Electronic Formats is required to complete the application process).
- SR2b: Registered Marks: Valid and issued trademarks applied for before December 6, 2006 (Declaration of claim to an issued and valid Registered Mark is required to complete the application process. Documentary evidence may be requested).
- SR2c: Extended Protection of Registered Marks: Registered Mark combined with relevant word(s) from the Class of the Registration (Declaration of claim to a Registered Mark is required to complete the application process. Documentary evidence may be requested. Registrant must have already applied for a domain name in SR2a or SR2b).

Sunrise 3 (SR3) is conducted before Landrush to allow companies or organisations to register their corresponding name. Declaration to the claimed name along with documentary evidence in Acceptable Electronic Format is required to complete the application process. Documentary evidence submitted will be posted publicly.

The volume expected for SR2 and SR3 is significantly larger than SR1. To avoid rushes at the opening of the SR2 sub-phases and SR3 that render FCFS arrangements into lottery-like conditions, for SR2 and SR3, all applications received within the time period for a sub-phase will be considered to be received at the same time. Applications will be verified by a Verification Agent. Domains with only one successfully verified application will be allocated to the successful Applicant. For domains with more than one successfully verified application, auctions will be

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conducted between the successfully verified Applicants. Before the Auction, contact and claims information of participating bidders (i.e. successfully verified Applicants) will be disseminated to each participating bidder.

A general reconsideration process is also provisioned for declined applications. Within a 7-day period upon the notice to the Applicant that a corresponding application has failed the verification process, the Applicant may request a reconsideration of the application.

The Sunrise policies are intended to provide an equitable, orderly, transparent and logical process for the launching of the .ASIA Registry, which takes into consideration the prior rights of stakeholders in the community. The policies have been designed with the provision of a reasonable due process for legitimate prior rights owners and a balanced deterrence for abusive registrations. Nevertheless, the .ASIA Registry does not guarantee that all interests will be perfectly addressed, and most importantly, any decision in the Sunrise process is not intended to and shall not prejudice the Applicant’s ability or right to enforce its rights through other means, such as through the UDRP or other avenues of recourse.

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**Discussion**

# 1 Introduction

The Sunrise process provides for the introduction of the .ASIA TLD in an orderly way which takes into consideration reasonable protection and priority for relevant prior rights and to curb abusive registrations. The .ASIA Sunrise policies also serve to ensure fairness, competition and reliability for ICANN Accredited Registrars, registrants, and the DotAsia Community. It is intended to create a stable and effective launch and registration process for the benefit of the Internet community in general, and affected stakeholders in particular. The plan consists of a multiphase process that will be executed by the Registry Operator.

The Sunrise process described in this document follows from the framework referenced in the Registry Operator Agreement with ICANN (Appendix S):

#	Phase	Description
0	Pre-Sunrise	Solicitation of reserved domains list from ccTLDs and governments (through GAC representatives)
1	Sunrise 1	Corresponding governments and/or relevant entities may “activate” (i.e. register) domains from the reserved domains list obtained during Pre-Sunrise on a First-Come-First-Served basis
2	Sunrise 2 <sup>1</sup>	Public bodies, holders/licensees of trademarks, holders of other protected prior rights may apply for domains based on their relevant names
3	Quiet Period	
4	Landrush	Anyone that meets the charter eligibility requirements may apply for any domain name
5	Auction	For domains that received more than one valid application during Sunrise II and Landrush, closed auctions will be held for all competing applicants
6	Go Live	Live First-Come-First-Served registrations commence

This framework was developed based on extensive discussions between the beginning of the DotAsia initiative, through the submission of the proposal to ICANN, and most importantly the broad in-depth discussion with the community during the comprehensive clarification process. This document provides additional clarification and refinement for each phase of the Sunrise.

<sup>1</sup> NOTE: Sunrise 2 is separated into Sunrise 2 and Sunrise 3 for better clarity on the intent for different phases given for Registered Mark (Trademark, etc.) holders and other prior right holders (i.e. registered company names). Sunrise 2 is also further refined into 3 sub-phases as will be described in Section 3.

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To avoid confusion between the period for Registered Mark holders and that for registered company names (as a prior right), a part of Sunrise 2 as described in the frame work above is separated out as Sunrise 3. Sunrise 3 (SR3) is focused for registered companies to register their corresponding Entity Name.

## 1.1 Definitions

.ASIA Registrar / Accredited Registrar	Accredited Registrar means an ICANN Accredited Registrar that is also Accredited for the .ASIA Registry in this document
.ASIA Registry	The ".ASIA Registry" is the TLD Registry Sponsored and operated by DotAsia Organisation Ltd. ("DotAsia"). DotAsia is a not-for-profit, limited-by-guarantee corporation incorporated in Hong Kong.
Acceptable Extension	An Acceptable Extension is defined in this document as an extension to a Complete Match or an Acceptable Match, which is based on the registered class of the corresponding Registered Mark and included in the Domain Name Applied For.
Acceptable Match	An Acceptable Match is defined as a text string that matches the Registered Mark after applying certain exceptions described in the document.
Accepted Electronic Format	Acceptable Electronic Format is a PDF or TIFF format file for which content in the file is legible and the file size for each page is not more than 400KB. Resolution is not generally restricted, however resolution of 150x150 dpi or higher is suggested.
Applicant	The Applicant of a domain name is the collective of entities implicated by the associated contacts of a domain registration application. More specifically, this includes the Registrant Contact and the contact used in making the declaration that an application meets the Charter Eligibility Requirement.
Charter Eligibility Requirements	Charter Eligibility Requirements mean the basic requirements to qualify as a domain registrant for the .ASIA Registry. A separate document, Charter Eligibility Requirement Policy provides further details on the subject.
Complete Match	A Complete Match means an exact match between the Registered Mark and the Domain Name Applied For.
Domain Name Applied For	The text string of the domain name, not including the TLD, submitted for registration
DotAsia Community	The DotAsia Community is defined based on the geographical boundaries described by the ICANN Asia / Australia / Pacific region ( <a href="http://www.icann.org/montreal/geo-regions-topic.htm">http://www.icann.org/montreal/geo-regions-topic.htm</a> )
Entity Name	The name of a Legal Entity, e.g. a company name, name of an organisation, a partnership or a natural person.
GAC	Government Advisory Committee of ICANN
GACKREF	Governmental Acknowledgement Reference is a special term used

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for the contact point for which the .ASIA Registry will be coordinating the Verification of domain registration applications for Reserved Names compiled in the Pre-Sunrise period.

ICANN	Internet Corporation for Assigned Names and Numbers
IDN	Internationalized Domain Names. Domain names that contain characters beyond the LDH repertoire.
LDH	Letter-Digit-Hyphen. A special term to describe the expression of a Fully Qualified Domain Name utilizing only the ASCII alphabet: A-z and digits: 0-9, plus the hyphen
Registered Entity / Registered Entity Name	A Registered Entity corresponds to a legal entity that is not a natural person, that is registered in a national corporation registry or equivalent, in the DotAsia Community
Registered Mark	A registered and issued trade or service mark or equivalently registered mark.
Sponsoring Registrar	The Accredited Registrar for which a domain name is registered with.
TLD	Top Level Domain
UDRP	Uniform Dispute Resolution Policy means the ICANN UDRP as described in <a href="http://www.icann.org/dndr/udrp/policy.htm">http://www.icann.org/dndr/udrp/policy.htm</a>
Verification	The Verification process is intended to verify the conformance of an application with the policies described in the Sunrise process. The success or failure of Verification does not implicate the validity of a Registered Mark itself, but rather whether the Sunrise process and the Domain Name Applied For is appropriate and acceptable.
Verification Agent	The .ASIA Registry intends to engage in one or more Verification Agents to carry out the Verification of Sunrise applications.

## 1.2 Scope & Documentation

This document describes the Sunrise policies for the .ASIA Registry. Specific dates of the different Sunrise phases are not included herein, but will be provided on the registry website. Charter Eligibility Requirements are described in the Charter Eligibility Requirement Policy document.

Technical implementation and specifications for the registry are also not included and will be provided to Accredited Registrars separately.

Section 2, 3 and 4 provides description of the Sunrise 1, Sunrise 2 and Sunrise 3 respectively. Section 5 describes the policies for the management of multiple applications to the same domain name during the Sunrise phases. Section 6 provides further description about the application submission process and registrar responsibilities. Finally, Section 5 includes miscellaneous policies about the obligations, liabilities and other terms and conditions of the Sunrise process.

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## 2 Pre-Sunrise & Sunrise 1 (SR1): Government Considerations

The Pre-Sunrise and Sunrise 1 phases provides priority to governments in the DotAsia Community to reserve and register domain names in the .ASIA registry. In the Pre-Sunrise phase, the DotAsia Organisation will use commercially reasonable best efforts to reach out and solicit from the governments in the DotAsia Community a list of relevant reserved names in the context of the .ASIA registry. The DotAsia Organisation will mainly utilize the contacts from the ICANN GAC representatives from the community as well as through the IANA ccTLD contacts to communicate and reach out to the relevant stakeholders in the community. A more detailed discussion about the Pre-Sunrise arrangements and the compilation of the Reserved Names is provided in a separate document for Reserved Names Policies.

### 2.1 Acceptable Registrations in SR1

During SR1, corresponding governments, public bodies and/or relevant entities that meet the Charter Eligibility Requirements may “activate” (i.e. register) domains from the reserved domains list submitted during Pre-Sunrise. All registrations must be procured through ICANN Accredited Registrars who are also .ASIA Accredited.

### 2.2 Verification of SR1 Applications

All registration applications will go through a verification process coordinated via the corresponding Governmental Acknowledgement Reference (GACKREF). The GACKREF for each economy in the DotAsia Community will be its corresponding ICANN GAC representative, or otherwise designated reference contact.

SR1 will be conducted in a First-Come-First-Served basis. Due to time requirements for verification however, multiple applications to the same domain will be permitted. Complete declarations to the right of the applicant for the domain name must be submitted along with the application. These include:

- **[ipr-name]** The full name of the body, with optional parenthesised noting of established variant of the name that corresponds to the Domain Name Applied For.
- **[ipr-cc-locality]** The economy for which the public body corresponds to (ISO3166 2-character code);
- **[ipr-type]** The type of body (e.g. Government Department, Public Institute, etc.); and,
- **[ipr-type]** “SR1”

Besides the declarations, documentary evidence may be requested. If requested, the documentary evidence must be submitted within a 10-day period. Documentary evidence may be submitted in electronic form. If the applicant fails to deliver the documentary evidence on time, the application will be considered to have been forfeited. It is important to note that a forfeited application does not render a Domain Name Applied For available to any other applicant. The domain continues to be Reserved and available only for eligible applicants.

If there is no requirement for documentary evidence or if the evidence is sent in on time and the first application can be successfully verified, it will be approved and the name will be registered to the applicant and activated accordingly. Other applicants for the same name in the queue will be notified. If the first application fails the verification process, whether because documentary evidence was not submitted on time and in the correct format, or if the corresponding Governmental Acknowledgement Reference (GACKREF) does not approve of the claimed right, or otherwise considered inappropriate, the application will be declined. The next application in the queue will be assessed accordingly.

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### 3 Sunrise 2 (SR2): Registered Mark Considerations

The general requirements for SR2 applications are:

1. Applicant must meet the Charter Eligibility Requirement; and.
2. Applicant must have an issued and valid Registered Mark that corresponds to the Domain Name Applied For,

To provide for an orderly launch of the .ASIA registry with considerations for protecting the rights of others in the community, the SR2 period is further prioritized into 3 sub-phases:

- SR2a: Early Bird sunrise for registered marks in use
- SR2b: General sunrise for registered marks
- SR2c: Extended protection for registered marks

#### 3.1 General Process for SR2 Applications

For SR2 applications, complete declarations regarding the claimed prior right of the applicant for the Domain Name Applied For must be submitted along with the application. These include:

1. **[ipr-name]** Exact word or phrase described by the Registered Mark;
2. **[ipr-number]** Registration number of the Registered Mark;
3. **[ipr-cc-locality]** Origin for which the right is established (corresponding ISO3166 code of the trademark office);
4. **[ipr-applied]** Date Registered Mark was applied for;
5. **[ipr-registered]** Date Registered Mark was issued and registered;
6. **[ipr-class]** Class of the Registered Mark (If more than one class has been registered with the domain, any one can be used. For SR2c however, the appropriate corresponding class must be declared); and
7. **[ipr-type]** "SR2a" / "SR2b" / "SR2c".

Besides the declarations to the Registered Mark as described above, documentary evidence may be requested. If requested, the documentary evidence must be submitted within a 10-day period. Documentary evidence may be submitted in electronic form. If the applicant fails to deliver the documentary evidence on time, the application will be considered to have been forfeited.

Multiple applications to a domain name will be permitted in SR2. Domains with only one application, and is successfully verified, will be allocated to the applicant. For domains with more than one application, each application will be verified for conformance. In case only one application can be successfully verified, the domain will be allocated to the successful applicant. If more than one application is successfully verified, all successfully verified applicants will be invited to an auction for the Domain Name Applied For (See Section 4: Resolution of Multiple Applications for a Domain).

#### 3.2 Eligibility of the Text String of the Domain Name Applied For

In general, the Domain Name Applied For must be a Complete Match with the Registered Mark or Entity Name claimed by the applicant. Certain exceptions are provided for in consideration of the accepted technical limitations of the domain name system (DNS) and the nature of the .ASIA registry. The resulting string after such exceptions will be considered an Acceptable Match of the claimed prior right. The priority between Complete Match and Acceptable Match applications are not differentiated during Sunrise except where explicitly defined. Partial match with the

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Registered Mark is not otherwise acceptable, with the exceptions provided in SR2c for extended protection of registered marks. Figurative or composite signs and devices, such as logos, pictures, colours, shapes and sounds, etc. are not considered.

### 3.2.1 Exceptions for Spaces, Punctuations and Special Characters

For Registered Marks that contain spaces between textual elements, the spaces may be omitted or replaced by a hyphen. The resulting text will be considered an Acceptable Match with the Registered Mark (e.g. “A-B-C-D”, “ABCD”, “AB-CD”, etc. will all be considered an Acceptable Match with: “A B C D”).

Punctuations and special characters in a Registered Mark that are not generally accepted by the DNS may also be omitted or replaced by hyphens. These characters include but are not limited to the following:

~ @ # \$ % ^ & \* ( ) \_ + = < > { } [ ] | \ / : ; ' , . ?

In the case of a sequence of these punctuation or special characters, they may be eliminated or replaced by one or the amount of hyphens corresponding to the number of characters in the sequence. The resulting text will be considered an Acceptable Match with the Registered Mark (e.g. “AB” will be considered an Acceptable Match with “A+B”; “A--B”, “A-B”, “AB” will be considered an Acceptable Match with “A==B”).

Punctuations and special characters may also be spelled out in full utilizing LDH characters with appropriate word(s) describing the character. For example, “A+B” can be written as “AandB” or “AplusB”. Both will be considered an Acceptable Match. The appropriateness of the replacement word will be determined by the Verification Agent with additional information sought from the Applicant should the addition be questionable.

### 3.2.2 Exceptions for Accented and Combined Characters

During the Sunrise Periods, the .ASIA registry will not be accepting IDN (Internationalized Domain Name) registration applications. Registered Marks that contain elements beyond the LDH (Letter Digit Hyphen) repertoire as technically accepted by the DNS (without IDN provisions) may replace those characters with corresponding LDH characters for which the additional element is removed or for which the characters are decoupled. For example, characters such as “ä”, “é”, “ñ”, “ø”, “æ” or “œ”, may be replaced by “a”, “e”, “n”, “o”, “ae” or “oe” respectively. The resulting text will be considered an Acceptable Match with the corresponding Registered Mark.

### 3.2.3 Exceptions for Registered Mark Type or Entity Type Identifiers

Registered Mark references such as “TM”, “SM”, “®”, etc. may be eliminated in the Domain Name Applied For. The resulting text will be considered an Acceptable Match with the corresponding Registered Mark.

For entity names (with special regards to SR3), entity type identifiers or special name identifiers may be omitted to form the Domain Name Applied For. For example, company type identifiers, such as: “LTD”, “CO. LTD.”, “INC”, “LLP”, “PTE”, etc in their short or long form, may be omitted. The resulting text will be considered an Acceptable Match with the corresponding name for which a prior right is claimed (e.g. “ABCD Limited” may apply for the domain “ABCD.ASIA”)

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### 3.2.4 Exceptions for the term “Asia”

In consideration of the nature of the .ASIA registry and the community served, words or phrases denoting the word “Asia” and its variants, e.g. “Asian”, “Asiatic”, “Asia Pacific”, etc. may also be omitted to form the Domain Name Applied For. The resulting text will be considered an Acceptable Match with the corresponding Registered Mark (e.g. Registered Marks for “ASIAN ABCD” or “ABCD ASIATIC” can both apply for the domain “ABCD.ASIA”)

During SR2a however, this exception will be limited to the exact term “Asia” appearing at the end of a Registered Mark (e.g. the Registered Mark owner of “ABCD ASIA” may apply for the domain “ABCD.ASIA”, however “ASIA ABCD” will not in SR2a).

### 3.2.5 Transliteration and Other forms of Variants

Unless the transliteration or variant form of a Registered Mark or an Entity Name is registered explicitly as a variant or alternative of the mark or name, transliterations, including conventionally accepted spellings for accented characters (e.g. “oe” for “ö”) or romanizations are not acceptable replacements. The resulting text will not be considered an Acceptable Match.

## 3.3 Sunrise 2a (SR2a): Early Bird Sunrise for Registered Marks

An Early Bird Sunrise period (SR2a) is provided for Registered Marks that meet additional requirements. During SR2a, multiple applications for the same domain name will be accepted. Domains with only one application, and is successfully verified, will be allocated to the applicant upon the conclusion of SR2a. For domains with more than one application, each application will be verified for conformance. In case only one application can be successfully verified, the domain will be allocated to that successful applicant. If more than one application is successfully verified, all successfully verified applicants will be invited to an auction for the Domain Name Applied For. Domains that already have at least one successfully verified application will be removed from the pool of available domain names for subsequent Sunrise phases (i.e. SR2b and onwards).

### 3.3.1 Criteria for SR2a: Priority Sunrise Applications

Besides the general requirements for SR2, the following additional criteria are required for SR2a:

- Upon the submission of the domain registration application the applicant must have a valid Registered Mark that was applied for on or before March 16, 2004 (SR2a Cut-Off Date)<sup>2</sup>
- Applicant must provide documentary evidence showing that the Registered Mark has been used by the applicant in the class for which the trademark is registered in
- Applicant must provide the date of first use of the Registered Mark

The general eligibility and exception rules for the text string of the Domain Name Applied For will apply for SR2a applications. Furthermore, as described in Section 3.2.4, special limitations for omitting the term “Asia” in the text string shall apply. More specifically, for SR2a, after reasonable considerations for the other applicable exceptions, the term “Asia” in its specific form may be omitted in the Domain Name Applied For only if the term is at the end of the word or phrase claimed in the Registered Mark. For example, a Registered Mark for “ABCD Asian” or

<sup>2</sup> Note that the date: March 16, 2004 corresponds to the date of the submission of the original .ASIA proposal to ICANN

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“Asia ABCD” will not be eligible for the domain “ABCD.ASIA” during SR2a; whereas “ÅBCD Asia Ltd.” would be eligible for “ABCD.ASIA”.

### 3.3.2 Documentary Evidence Requirements for SR2a

Documentary evidence will invariably be required for SR2a applications. The following documents in the Accepted Electronic Format is required:

- An electronic copy of an official document issued by the corresponding trademark office, or an extract from an official online database operated and/or managed by the corresponding trademark office, indicating that the trademark is duly applied for on or before the SR2a Cut-off Date (either the original registration or any subsequent renewal certificates will suffice); and,
- An electronic copy of a document certified by a competent legal practitioner or equivalent professional representative clearly stating that the trademark has been used by the applicant in the class for which it was registered in, and indicating the date of first use of the mark. This document should be accompanied by documentation and/or sample images supporting that the Registered Mark is used by the Applicant in the class of trademark it is registered in.

The provided documentary evidence must also clearly indicate that the Registrant Contact of the Applicant is the reported owner or authorized licensee of the Registered Mark.

In the case where the validity of the documentary evidence submitted or the application is otherwise challenged, original copy of the certified document and other appropriate documents may be further requested.

### 3.4 Sunrise 2b (SR2b): Registered Marks

SR2b provides the opportunity for owners of Registered Marks to secure corresponding domain names in the .ASIA registry. Domains that already have at least one successfully verified applicant from SR2a will not be available in SR2b. Due to time requirements for verification however, not all SR2a applications may have been verified before SR2b commences. In the case where a domain application was accepted in SR2b by the registry system but was found later to be not available to the SR2b pool of available domain names because it is already successfully verified for an SR2a applicant, all pending applications for that particular domain in SR2b will be automatically declined and refunded.

Similar to SR2a, multiple applications for the same domain name will be accepted during SR2b. Domains with only one application, and is successfully verified, will be allocated to the applicant upon the conclusion of SR2b. For domains with more than one application, each application will be verified for conformance. In case only one application can be successfully verified, the domain will be allocated to that successful applicant. If more than one application is successfully verified, all successfully verified applicants will be invited to an auction for the Domain Name Applied For. Domains that already have at least one successfully verified application will be removed from the pool of available domain names for subsequent Sunrise phases (i.e. SR2c and onwards).

The criteria for SR2b applications have been included in the general requirements described in Section 3.1 and 3.2. Additionally, upon the submission of a domain registration application the applicant must have a valid Registered Mark that was applied for on or before December 6, 2006

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(SR2b Cut-Off Date)<sup>3</sup>. Elements of the declaration of the Registered Mark (as described in Section 3.1) must match with the records obtained from the corresponding trademark office. Furthermore, the records obtained from the corresponding trademark office must clearly indicate that the Registrant Contact of the Applicant is the reported owner of the Registered Mark.

In the case where the validity of the declaration is questioned, the registrant is a licensee of the Registered Mark, or the application is otherwise challenged, electronic extract from an official online database operated and/or managed by the corresponding trademark office and/or certified true copy of official document issued by the corresponding trademark office indicating that the trademark is duly applied for on or before the SR2b Cut-off Date and issued to the Registrant Contact of the applicant and other appropriate documents may be further requested.

### 3.5 Sunrise 2c (SR2c): Extended Protection

SR2c is intended to provide extended protection for Registered Mark owners before the commencement of broader availability of .ASIA domain names in Sunrise 3, Landrush and subsequent live launch of the registry. Similar to SR2b, domains that already have at least one successfully verified applicant from previous phases (SR2a or SR2b) will not be available in SR2c. Due to time requirements for verification however, not all SR2a or SR2b applications may have been verified before SR2c commences. In the case where a domain application was accepted in SR2c by the registry system but was found later to be not available to the SR2c pool of available domain names because it is already successfully verified for an SR2a or SR2b applicant, all pending applications for that particular domain in SR2c will be automatically declined and refunded.

Similar to SR2a and SR2b, multiple applications for the same domain name will be accepted during SR2c. Domains with only one application, and is successfully verified, will be allocated to the applicant upon the conclusion of SR2c. For domains with more than one application, each application will be verified for conformance. In case only one application can be successfully verified, the domain will be allocated to that successful applicant. If more than one application is successfully verified, all successfully verified applicants will be invited to an auction for the Domain Name Applied For. Domains that already have at least one successfully verified application will be removed from the pool of available domain names for subsequent phases (i.e. SR3 and Landrush).

#### 3.5.1 Criteria for SR2c: Extended Protection Applications

Applicants for SR2c must have already applied for a domain name based on their Registered Mark in previous SR2 phases (SR2a or SR2b). Beyond the exceptions described in Section 3.3, the Domain Name Applied For may contain additional words or phrases (hyphenated or combined -- i.e. space removed) that appear in the description of the class(es) for which the Registered Mark is registered for and is significant for the class to form an Acceptable Extension as the Domain Name Applied For.

For example, “Class 1” based on the 9th edition of the NICE Classification by the World Intellectual Property Organization (WIPO) has the following description: “*Chemicals used in industry, science and photography, as well as in agriculture, horticulture and forestry; unprocessed artificial resins, unprocessed plastics; manures; fire extinguishing compositions; tempering and soldering preparations; chemical substances for preserving foodstuffs; tanning substances; adhesives used in industry.*” A Registered Mark for “ABCD” under this class may

<sup>3</sup> Note that the date: December 6, 2006 corresponds to the date of the execution of the Registry Operator Contract between the DotAsia Organisation and ICANN

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therefore apply for “ABCDChemicals.Asia”, “ABCD-Tanning-Substances.Asia” or “ABCDFireExtinguishingCompositions.Asia”, etc., but not “ABCD-in-industry.Asia” or “ABCDunprocessed.Asia”, etc.

Plural or other grammatical forms of significant words denoting the class being described are also accepted. Resulting text strings of combining a Complete Match or Acceptable Match of a Registered Mark with Acceptable Extensions will be considered acceptable applications for SR2c.

### 3.5.2 Required Declaration for SR2c

The required declaration for SR2c is the same as for SR2a and SR2b. The Class [ipr-class] of the Registered Mark must be provided. The submitted number [ipr-number] and origin [ipr-cc-locality] of the Registered Mark, as well as the Registrant Contact and CED Contact must match with the corresponding application in SR2a or SR2b to demonstrate that the application corresponds with the prior application. For marks that are registered in multiple classes, the appropriate corresponding class must be declared with each SR2c application.

## 3.6 Amendment and Reconsideration Process for SR2 Applications

To allow for a more comprehensive and fair process for the verification of applications during SR2, a simple standard amendment and reconsideration process is incorporated in the general framework of the Sunrise process.

### 3.6.1 Amendments to Applications

During the Verification process, if the Verification Agent suspects that there may be an unintentional error or minor mistake in an application, the Verification Agent (directly, through the .ASIA Registry or the corresponding Sponsoring Registrar) may request from the Applicant an amendment for the application.

The Applicant will have 7 days upon this request to provide amendments to the application. If the applicant fails to submit any amendment in time, the original application will be used for the completion of the Verification.

### 3.6.2 Reconsideration Process for Applications

If the verification for an application is unsuccessful, the Applicant will be notified as soon as possible. Within 7 days upon the issuance of the notification, the Applicant may initiate a reconsideration process. To initiate a reconsideration process, the Applicant may indicate that they wish to have the already provided information and documentary evidence (if any) reconsidered, or the Applicant may also provide amendments and/or additional documentary evidence supporting their claim for the reconsideration.

Upon receipt of the reconsideration request, the .ASIA Registry will attempt to verify the application again. If the reconsideration verification is successful, the application will be treated, without prejudice, as a successfully verified application in the corresponding Sunrise phase (or sub-phase) for which it was originally received. If the reconsideration verification is unsuccessful, the application will be declined.

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If the Applicant fails to initiate a reconsideration process within 7 days upon receiving the notice that the Verification of their application was unsuccessful, it will be considered that the Applicant has forfeited their entitlement for a standard reconsideration process based on this SR2 policy.

The failure to initiate a reconsideration process, result of the verification or the result of the reconsideration process is not intended to, nor should it prejudice the right of the Applicant to subsequently seek to assert its rights to a particular domain name through UDRP or other processes.

## 4 Sunrise 3 (SR3): Unverified Registered Entity Names

Whereas SR2 is focused on Registered Marks, SR3 is for Registered Entity Names. SR3 allows for registered organisations (companies, organisations, societies, cooperatives, partnerships, collectives, etc.) in the DotAsia Community to register their own Entity Name as a domain in the .ASIA Registry.

Domains that already have at least one successfully verified applicant from SR2 will not be available in SR3. Due to time requirements for verification however, not all SR2 applications may have been verified before SR3 commences. In the case where a domain application was accepted by the registry system in SR3 but was found later to be not available to the SR3 pool of available domain names because it is already successfully verified for an SR2 applicant, all pending applications for that particular domain in SR3 will be automatically declined and refunded.

Similar to SR2, multiple applications for the same domain name will be accepted during SR3. Domains with only one application, and is successfully checked, will be allocated to the applicant upon the conclusion of SR3. For domains with more than one application, each application will be checked for conformance. In case only one application is conformant, the domain will be allocated to that successful applicant. If more than one application is conformant, all conforming applicants will be invited to an auction for the Domain Name Applied For. Domains that already have at least one successfully verified application will be removed from the pool of available domain names for Landrush.

SR3 applications will not be verified. The Domain Name Applied For however will be checked against the declared Entity Name [ipr-name] (Section 4.1) as well as the submitted document described (Section 4.3). The submitted document will also be posted publicly.

### 4.1 Declaration Requirements for SR3

The general required declaration is already described in Section 3.1 above. The elements submitted in the declaration must match with records at the corresponding registry. The following clarifies the usage of the different fields as listed in Section 3.1:

1. **[ipr-name]** Exact word or phrase described by the Registered Entity Name;
2. **[ipr-number]** Registration number of the Registered Entity;
3. **[ipr-cc-locality]** Origin for which the Registered Entity is established (corresponding ISO3166 code);
4. **[ipr-applied]** Date Registered Entity was applied for;
5. **[ipr-registered]** Date Registered Entity was established and registered;
6. **[ipr-class]** Type of Registered Entity (e.g. Corporations, Cooperatives, Partnerships, Government Bodies, Trade Unions, Societies, etc.); and
7. **[ipr-type]** "SR3".

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## 4.2 Domain and Application Eligibility

The general eligibility requirements for the Domain Name Applied For based on an Entity Name follows the description in Section 3.2. More specifically, the exceptions described in 3.2.1, 3.2.2, 3.2.3 and 3.2.4 applies for Organisation Names applications.

For example, "ABCD LTD" may apply for the domain "ABCD.ASIA"; "ABCD (ASIA) PTE" may also apply for the domain "ABCD.ASIA".

The documentary evidence provided (as specified in Section 4.3) must clearly indicate that the Registrant Contact of the Applicant is the reported entity of the registration. The Domain Name Applied For must also correspond with the Entity Name [ipr-name] declared. Additionally, the registration of the entity must also have been completed on or before December 6, 2006 (SR3 Cut-Off Date).

## 4.3 Documentary Evidence Requirements

Besides the declarations as described above, documentary evidence will be required. The documentary evidence must be submitted within 10-days upon the submission of the application. Documentary evidence must be submitted in an Accepted Electronic Form. If the applicant fails to deliver the documentary evidence on time, the application will be considered to have been forfeited.

One of the following documentary evidence will be sufficient for conformance of the SR3 requirements:

- An extract from the relevant companies or commercial register;
- A certificate of incorporation or copy of published notice of the incorporation or change of name of the company in the official journal, government gazette or equivalent publication;
- A signed declaration (e.g. a certificate of good standing) from an official companies or commercial register, a competent public authority or a notary public; or
- Other equivalent certified document indicating that the entity is duly formed and in good standing

The submitted documentary evidence must clearly indicate that the name on the document is the name of the Registrant Contact of the Applicant and corresponds to the Domain Name Applied For. Furthermore, the submitted documentary evidence must clearly indicate that the organisation was duly formed on or before the SR3 Cut-Off Date. In the case where the validity of the documentary evidence submitted or the application is otherwise challenged, original copy and/or an affidavit of the documents described above or other appropriate documents may be further requested. Submitted documents will be posted publicly.

## 5 Multiple Applications for a Domain

Given the context of the .ASIA Registry, and the fact that the same word or phrase may be registered as a protected mark by different owners under different trademark offices and different trademark class, there will be many potential situations where two or more Applicants may be successfully verified for the same Domain Name Applied For. Appropriate policies for resolving such situations for different phases of the Sunrise are therefore important.

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## 5.1 SR1: First-Come-First-Serve (FCFS)

The volume of application request is not expected to be high during SR1. The potential conflict between eligible applicants given that this phase only allows for the activation of domains from the reserved names list provided in the Pre-Sunrise period by corresponding government organisations, is also relatively small. An FCFS approach for managing potential multi-applications to the same domain will be used. Nevertheless, due to verification time requirements, multiple applications to the same domain during SR1 will be accepted to preserve the FCFS principle should the first application fail the Verification process.

## 5.2 SR2 and SR3: Auction Process

The anticipated volumes for SR2 and SR3 are significantly larger than SR1. A simple FCFS approach would create a considerable race condition at the opening of each sub-phase of the SR2 and SR3, rendering them into essentially lottery-like processes for the allocation of domain names. To ensure an equitable allocation, in each of the SR2 sub-phases and in SR3, domain registration applications received at anytime within the corresponding period will be considered to be received at the same time, without prejudice to actual time difference of the receipt of an application. Where such time difference may potentially be very small.

As mentioned above, during SR2 and SR3, for domains that have received more than one application that is successfully verified within a particular sub-phase, an exclusive auction will be held among the successfully verified Applicants for the corresponding domain. Domains that have received only one successful application will not be auctioned, but will be allocated to the successful applicant accordingly.

### 5.2.1 Eligibility of Bidders

Before the commencement of the auction, information about an invited bidder (i.e. an Applicant that was successfully verified for a particular domain) will be provided to other invited bidders for their reference. Information elements include complete WHOIS (i.e. contact) information as well as information about the claimed prior rights of the bidder. The only information that may be withheld would be information with privacy considerations with regards to the Charter Eligibility Declaration Contact (e.g. passport number of the contact).

### 5.2.2 General Form of Auction

Auctions will be held exclusively between successfully verified Applicants who have applied for a domain during the corresponding Sunrise period. As such, this is described as a “closed auction”, which is contrasted with an “open auction”, where additional participants (i.e. bidders) may join at anytime during the auction period. A conventional English Auction format is envisioned, where eligible bidders bid against one another, with each bid being higher than the previous bid, and each bidder able to observe each bid price.

## 6 Submission Processes and Registrar Requirements

All domain registration applications for the .ASIA Registry are submitted via EPP compliant interfaces. Electronic copies of documentary evidences will be accepted via web-based or other automated interfaces. Supplementary information may be requested via email or other forms of communication media where appropriate. The Sponsoring Registrar is generally responsible for

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all applications submitted as specified in the Registry-Registrar Agreement. Assistive notifications may be sent to the applicant directly only if specifically indicated and requested by the registrar.

## 6.1 Submission of Applications

All domain registration applications must be submitted via a .ASIA Accredited Registrar. The Registrar may utilize the EPP interface or the web admin interface (which itself is an EPP client provided by the registry) in the submission of applications. Charter Eligibility Declaration (CED) as well as Intellectual Property Right Declaration (IPR) for each domain must be submitted along with the application via EPP utilizing extensions published by the .ASIA Registry. An Operations and Notifications Contact (OPN Contact) may also be submitted along with the application via EPP.

Technical specifications of the EPP extensions are not included in this document and will be provided to .ASIA Registrars and published separately.

### 6.1.1 Submission of Declaration Information

Intellectual Property Right Declaration (IPR) must be provided for all Sunrise applications. The IPR is associated directly with the EPP Domain object. Additional elements for the IPR declaration have been included above in Sections 3.1 and 4.1 respectively:

- [ipr-name]
- [ipr-number]
- [ipr-cc-locality]
- [ipr-applied]
- [ipr-registered]
- [ipr-class]
- [ipr-type]

Updates to the IPR declaration will not be permitted except via the amendment and reconsideration processes as described in Section 3.6.

Charter Eligibility Declaration (CED) is associated with an EPP Contact object. The CED Contact must then be designated and associated with the EPP Domain object upon the submission of the application (i.e. domain create) utilizing an EPP extension defined by the .ASIA Registry. Additional elements for the CED Contact include the following:

- [CED-cc-locality]
- [CED-type]
- [CED-ID-type]
- [CED-ID]
- [CED-other]

Updates to the CED will be provisioned via EPP extensions to the Contact object, whereas the reassignment of a CED Contact to a domain is provisioned via EPP extensions to the Domain object. Updates to the CED Contact will not be permitted during Sunrise.

Further details regarding the CED is included in the .ASIA Charter Eligibility Requirement Policy document. In short, to be eligible for a .ASIA domain, at least one of the Domain Contacts associated with the Domain Name must be a legal entity in the DotAsia Community. The Domain Contact making the Charter Eligibility Declaration (CED) – CED Contact – is jointly responsible for the domain name along with the Registrant Contact.

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### 6.1.2 Operations and Notifications (OPN) Contact

An Operations and Notifications Contact (OPN Contact) may also be submitted to designate the point of contact for which documentary evidence requests and reminders should be sent. The OPN Contact will also be used for participation in auctions as described in Section 5.2. If an OPN Contact is not submitted, the Sponsoring Registrar will be designated as the point of contact.

Notifications and communications regarding documentary evidence for an application will be sent to both the OPN Contact and the Sponsoring Registrar.

The OPN Contact can then be associated with a domain utilizing EPP extensions defined by the .ASIA Registry. The OPN Contact must be submitted upon the submission of the application (i.e. domain create). Updates and reassignment of an OPN Contact to a domain is provisioned via EPP extensions. Updates to the OPN Contact will not be permitted during Sunrise.

Note however that changes to the OPN Contact may not be reflected in real time with the notification system. The sponsoring registrar is responsible to inform the Applicant who needs to update an OPN Contact that the Applicant must continue to accept and expect notifications being sent to the old OPN contact information for a reasonable period of time upon the submission of the changes.

### 6.1.3 Reviewing Submitted Information

WHOIS service will not be provided during Sunrise application periods. Applicants may review submitted information for a particular application via a web-based WHOIS-like interface. This interface will request for the domain name as well as the Domain ID to identify the specific application. The interface will return a WHOIS-like response with all the contact information as well as the IPR, CED and OPN information, except fields with privacy considerations.

.ASIA Registrars must not provide WHOIS service for .ASIA applications during Sunrise.

## 6.2 Submission of Documentary Evidences

If required or requested, documentary evidences in Acceptable Electronic Format must be uploaded via a web-based or an automated interface. Login information will be provided to the Sponsoring Registrar as well as the OPN contact (if applicable).

Corresponding Sponsoring Registrar and OPN contacts will be able to review and update submitted documents via a web-based interface with the login provided.

Regular reports regarding Sunrise applications will be created and posted for .ASIA Registrars. Notifications to OPN contacts will be sent via email.

## 6.3 Registrar Responsibilities

General provisions for the conduct and responsibilities of Sponsoring Registrars are included in the .ASIA Registry-Registrar Agreement as well as the .ASIA Registry Policies. An Applicant for a domain registration application during the Sunrise period is considered a Registered Domain

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Holder as defined in the Registry-Registrar Agreement (RRA). More importantly, Registrants must accept a registrant agreement with provisions as outlined in the RRA, and Registrar obligations to a Registered Domain Holder, such as the communication with Registered Domain Holders, customer support and indemnification requirements as defined in the RRA, apply to an Applicant, upon the submission of an application even if the domain is not eventually allocated to the Applicant.

### 6.3.1 Pre-Registration and Application Submission to the .ASIA Registry

.ASIA Registrars and their agents may offer pre-registrations of .ASIA domain names. Pre-registration and other announcements to prospective registrants regarding Sunrise application must clearly indicate the nature of the pre-registration as well as provide information with regards to the policies set out in this document. Communications, customer support to the pre-registration applicant and indemnification of the .ASIA Registry must also comply with the provisions set out in the RRA for Registered Domain Holders.

A registrant agreement conformant with the RRA should be presented to pre-registration applicants. A registrant agreement conformant with the RRA must be established with an Applicant before an application is submitted to the .ASIA Registry, including complying with the declaration requirements for the Charter Eligibility Declaration Contact.

### 6.3.2 Acting as the OPN Contact and Bidding On Behalf of Registrants

.ASIA Registrars may act as the OPN Contact for an application. .ASIA Registrars may also utilize the OPN Contact to designate a special department or contact for the handling of Sunrise documentary evidence provisioning.

The OPN Contact is only offered by the .ASIA as an assistive mechanism for notifying the Applicant. The Sponsoring Registrar is ultimately responsible for the communications to and customer support for the Applicant as specified in the RRA.

.ASIA Registrars may also choose to act and bid on behalf of Applicants during auctions as described in Section 5.2.

### 6.3.3 Provision of WHOIS Services during Sunrise and Landrush

.ASIA Registrars must not provide regular WHOIS services (including web, port 43 and other means) for .ASIA applications during the Sunrise and Landrush period. .ASIA Registrars may provide WHOIS-like services provided that login or some form of identification (such as that described in Section 6.1.3) is required to retrieve information for particular applications. This measure is done to curb offensive registration applications during the Sunrise and Landrush period based on WHOIS harvesting.

## 7 Miscellaneous

### 7.1 Modifications, Guidelines and Enforceability

The .ASIA Registry may issue interpretive guidelines on its website regarding the provisions of these Sunrise policies. The .ASIA Registry may modify these Sunrise policies from time to time, which modifications will take effect at the time they are announced on the Registry's website.

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If any part of these Sunrise policies is declared invalid or unenforceable for any reason, the remainder of these Sunrise policies will be valid and enforceable as if the invalid or unenforceable part were not included herein.

There shall be substituted for any invalid or unenforceable provision a suitable provision that, as far as is legally possible, comes nearest to the sense and purpose of these Sunrise policies, taking into account all other applicable rules and policies.

## 7.2 Limitation of Liability and Decisions by Registry

To the extent allowed under mandatory law, the .ASIA Registry shall only be liable where the Registry's wilful misconduct is proven. In no event shall the .ASIA Registry be held liable for any indirect, consequential or incidental damages or loss of profits, whether contractual, based on tort (including negligence) or otherwise arising, resulting from or related to registration or use of a Domain Name or to the use of its software or website, even if it has been advised of the possibility of such loss or damages, including but not limited to decisions taken by the Registry to register or not to register a Domain Name on the basis of the findings of the Verification Agent(s) and/or the Governmental Acknowledgement Reference(s), as well as the consequences of those decisions.

To the extent allowed under mandatory law, the .ASIA Registry's liability for damages shall in any case be limited to corresponding application fee collected for the relevant application by the .ASIA Registry (that is the fees collected from the Sponsoring Registrar by the .ASIA Registry for the corresponding application). The Applicant agrees that no greater or other damages may be claimed from the Registry (such as, but not limited to, any fees payable or paid by the Applicant or the Complainant in the context of judicial or non-judicial proceedings initiated against a decision by the Registry to register or not to register a Domain Name). The Applicant also agrees to submit to a binding arbitration for disputes arising from the Start-Up process and related allocation of domain names.

The Applicant shall hold the Registry harmless from claims filed or disputes initiated by third parties, and shall indemnify and compensate the Registry for any costs or expenses incurred or damages for which it may be held liable as a result of third parties taking action against it on the grounds that the Application for or the registration or use of the Domain Name by the Applicant infringes the rights of a third party.

For the purposes of this Section, the term "Registry" or ".ASIA Registry" also refers to the members of the DotAsia Organisation, its subcontractors, including the Verification Agent(s), and the Governmental Acknowledgement References, and each of their respective directors, agents and employees.

The obligations of Sponsoring Registrars are laid out in the Registry-Registrar Agreement and shall prevail during and for purposes related to the Sunrise process.

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