

SUNRISE DISPUTE RESOLUTION POLICY (“SDRP”)

Version 1.0

The outcome of any Sunrise Auction is final. However, if you have a complaint during or after the Sunrise Registration period or during or after the Sunrise Auction period which falls within one of the grounds set out in this section, the National Arbitration Forum (“NAF”) shall be the sole forum for Sunrise Dispute Resolution. All the rules of procedure relating to the SDRP are available from the NAF and the disputing parties are expressly subject to those rules.

The only grounds for a claim under SDRP are for Improper Sunrise Registration-of Trademarks¹ and are as follows:

- at time the challenged domain name was registered, the registrant did not hold a trademark registration of national effect (or regional effect) or the trademark had not been court-validated or protected by statute or treaty;
- the domain name is not identical to the mark on which the registrant based its Sunrise Registration²;
- the trademark registration on which the registrant based its Sunrise Registration is not of national effect (or regional effect) or the trademark had not been court-validated or protected by statute or treaty; or
- the trademark registration on which the domain name registrant based its Sunrise Registration did not issue on or before the date specified by the Registry in its Sunrise Criteria, if one was specified.

Parties participating in an auction may bring an SDRP claim prior to the auction if necessary. The Auction will be suspended pending the resolution of the SDRP.

Once an auction is concluded, if an SDRP claim is brought and the losing bidder prevails, the auction price to the losing bidder will be the amount of the last bid made by that bidder.

If a third party has a complaint about any trademark holder's ability to obtain or maintain the Sunrise Registration, based on the criteria set forth above, such claims shall be brought within 120 days after the close of the Sunrise Registration period.

Any other matters arising out of the Sunrise Auction must be settled in an appropriate international forum. The affected party must bring the relevant claim. The Registry Operator will act in accordance with appropriate notice of any binding court order or arbitration award. Regardless of anything to the contrary stated in this policy, the Registry reserves the right to put a hold on any domain name pending final dispute resolution and/or to seek legal advice on the enforceability of any court order and has the right to require the serving party to take additional steps before the Registry will comply with any order or award.

¹ Applicant Guidebook 4 June 2012, Module 5, Page 8, Article 6.2.4. A dispute under this section also addresses the TLD Criteria from ICANN's Trademark Clearinghouse Rights Protection Mechanism Requirements [published 30 September 2013], Article 2.3.6 and Article 2.3.1.4. The Forum's SDRP does not interact with (nor instruct) the Trademark Clearinghouse and is limited to adjudicating disputes over the Registry's registration and allocation of domain names during the sunrise period.

² For the purposes of analysis of this element, neither the gTLD itself, nor the “dot,” shall be considered.