

Sunrise Policy (February 28, 2014)

Sunrise Overview:

The Sunrise Phase is part of the rights protection mechanisms required by ICANN to support the protection of verified legal rights for trademark holders and provides holders of eligible trademarks with the opportunity to apply for and register domain names that correspond with such trademarks, as set out in this Policy. The Sunrise Phase is also available to holders of comparable rights if the right holder is located in the Saarland.

The Sunrise Phase is separated into two concurrent phases: Sunrise A and Sunrise B. Applications under Sunrise A take precedence over applications under Sunrise B.

The Sunrise Phase shall be open for 60 days and may be extended at any time at the discretion of the Registry. No Sunrise applications will be accepted after the end of the Sunrise Phase.

Sunrise A Eligibility:

Applications for available domain names corresponding exactly with a trademark registered by the applicant in the Trademark Clearinghouse in accordance with section 4.2.1 of the Trademark Clearinghouse Guidelines (<http://www.trademark-clearinghouse.com/>) in the following categories are eligible for participation in the Sunrise A, provided that a valid SMD file is submitted at the time of application and the application matches a label of:

- nationally or regionally or registered trademarks;
- court-validated marks; or
- marks protected by statute or treaty.

The trademark underlying the Trademark Record must have been registered, court validated or protected by statute or treaty on or before July 01, 2013.

The domain name applied for must be an exact match to a label contained within the SMD file submitted with the application and must correspond exactly with a trademark registered by the applicant in the Trademark Clearinghouse. It is not possible to register domain names for trademarks based on image marks.

All applications must be submitted through an accredited registrar and must include a valid SMD file and the applicable application and registration fees. Applications missing a valid SMD file, or containing an invalid SMD file for a non-matching string will be rejected.

Sunrise B Eligibility:

Sunrise B extends the ICANN prescribed eligibility criteria by opening Sunrise eligibility to:

- Company names of companies registered in the public trade or other commercial registers of the federal state of the Saarland (a)

- Names of registered associations registered in the public association registers of the federal state of the Saarland (b)
- Saarland-specific trade Names and business identifiers used particularly in the Saarland (c)
- Geographic indications and designations of origin within the European Union (d)
- Names of statutory entities and public-law institutions or divisions of statutory entities ("Körperschaften des öffentlichen Rechts") based in Saarland (verified by reference to their founding federal or state statute) (e)
- public law foundations and civil law associations located in the Saarland (f)

The registration in the public register or creation of the entity must have occurred on or before July 01, 2013. The applicant must represent that all provided information is true and correct and provide documentary evidence sufficient to verify the right to the claimed name.

All applications must be submitted through an accredited registrar. The required evidence must be sent per e-mail to sunrise@nic.saarland directly to dotSaarland GmbH. The subject of the e-mail needs to incorporate the applied for domain name (domainexample.saarland). The documentary evidence must clearly indicate that the name for which the entity applied for is the official name of the entity, protected trade name of the entity or protected indication or designation, as well as include the date of registration or creation (if applicable):

For (a), all of the following must be provided: an extract from the relevant professional register (commercial register, official register of handicrafts or comparable) or a certificate of incorporation or a copy of the publication in the official journal or a signed certificate of good standing confirming the existence of the company ; a statement signed by an authorized representative of the entity confirming that the name applied for corresponds with the company name.

For (b), all of the following must be provided: an extract from the relevant association register or a signed certificate of good standing confirming the existence of the registered association ; and a statement signed by an authorized representative of the registered association, confirming that the name applied for corresponds with the name of the association

For (c), all of the following must be provided: an extract from the relevant register or a signed certification confirming the existence of the trade name or business identifier ; a statement signed by an authorized representative of the owner of the trade name or business identifier, proof of actual and current use of the trade name or business identifier within the Saarland (such as copies of advertising materials, invoices, proof of sales , etc).

For (d), all of the following must be provided: indication of an act or a scan copy of a decree or decision of a competent official authority conferring protection on a particular name as geographical indication or designation of origin; (if available) an extract from the relevant register; evidence that the applicant is the holder of the rights in the geographical indication or designation of origin.

For (e), all of the following must be provided: indication of an act or a scan copy of a decree or decision of a competent official authority creating the statutory entity or the public law institution; a statement signed by an authorized representative of the statutory entity or the public law institution, confirming that the name applied for corresponds with the official name.

For (f), all the following must be provided: a written certification of the controlling institution, confirming the legal capacity of the foundation as well as a statement signed by an

authorised representative of the foundation confirming that the name applied for corresponds with the name of the foundation.

The domain name applied for must be an exact match to the registered, statutory or otherwise protected name, however certain exceptions apply:

- where the name of the entity includes a direct reference to the Saarland or the Saar Region, this reference may be omitted, for example "Saarländische...", "... des Saarlandes", "...Saar" or "... Saarland";
- spaces, dots and other symbols that cannot be used in a domain label may be replaced by hyphens or omitted;
- the ampersand symbol may be omitted or replaced by either the words "und" or "and";
- company or association type abbreviations such as GmbH, KG, UG, OHG, Ltd., e.V., etc may be omitted;
- references to registration types such as "TM" and "®" may be omitted;
- where the protected name includes or consists of a domain name, the top level domain suffix must be included;

In case of applications by statutory entities and public law institutions, abbreviations of the name of the statutory entity and the public law institution that do not violate the Naming Policy may be applied for as domain names, provided that:

- said abbreviation is commonly used by the general community when referring to the entity;
- said has gained the same or greater meaning as the full name in public use;
- said abbreviation is commonly used interchangeably with the full name by the entity; and
- documentation of the above criteria spanning a period of no less than five years is provided as proof of public use of the abbreviation within the Saarland (such as copies of advertizing materials, invoices, proof of sales volumes, etc).

All Sunrise B applications are subject to the Trademark Claims Service. All applications must include the Sunrise period application and registration fees.

Ineligible Names:

Strings that were blocked or reserved in accordance with the Blocked and Reserved Names Policy are ineligible for registration as domain names in the Sunrise Phase. All applications must meet the syntax requirements in accordance with the Naming Policy.

Validation:

Successful validation is required for the Registry to proceed with the requested domain name registration. Validation will occur at the end of the Sunrise Phase.

Applications submitted during Sunrise A are subject to validation through the Trademark Clearinghouse.

Applications submitted during Sunrise B may be validated by an independent agent selected by the Registry. This decision is at the discretion of the Registry. On the instructions of the Registry the

agent shall verify whether the application and the applicant meets the Sunrise eligibility requirements and whether the claimed rights have been sufficiently documented. The agent may, but is not required to, conduct an investigation with regard to the accuracy of the documentary evidence and the circumstances of the application. When denying an application, the agent is not required to provide detailed notifications with regard to the cause of the failed validation.

Allocation:

If an application for a valid domain name meeting the eligibility and registration requirements of the Registry is validated successfully and no other applications were received for the string at the end of the Sunrise Phase, the domain name will be allocated to the applicant at the end of the Sunrise Quiet Phase upon payment of the applicable application and registration fees. In case of multiple successfully validated applications, Sunrise A applications take precedence over Sunrise B applications. In case there are multiple successful Sunrise A applications, or multiple successful Sunrise B applications without any successful Sunrise A applications, the allocation will be determined by auction between the eligible applicants through an auction provider nominated by the Registry.

Auction:

The Registry will inform the applicable registrar(s) of any conflicting applications at the end of the Sunrise Phase. The auctions will be conducted in accordance with the terms and conditions of the auction provider between the eligible applicants. It is not obligatory to participate in the auction. Allocation of domain names will occur within five business days after payment of the winning bid has been confirmed by the auction provider. If only one bidder participates in the auction he is automatically the winning bidder. During the auction and until allocation, the domain name will be blocked from registration.

Term:

The initial minimum registration term for Sunrise registrations is 2 years commencing on the day the domain name is registered. The maximum term is 10 years.

Revocation:

The Registry may reject or revoke any registration or application of a domain name in case the applicant does not or did not at the time of the registration fulfill the eligibility requirements. In this case, the applicant or registrant is not entitled to any compensation or refund of any paid fees.

Prohibition of Trades or Changes of Ownership:

For five years after the allocation of domain names registered in the Sunrise Phase, such domain names may not be traded, sold or otherwise transferred to a new registrant unless that new registrant would have been eligible to register the domain name under the rules of this Policy in the applicable Sunrise Phase on its own. Updates of registration details not affecting material ownership are permitted. Trades or changes of ownership in connection with an acquisition of the entity that initially applied for the domain name by another entity or in case of mergers with another entity are permitted at the discretion of the Registry. Domain names traded without explicit

approval of the Registry within the initial five years of registration may be revoked or deleted at the discretion of the Registry without refund or compensation for the registrant and made available for general registration.

Sunrise Dispute Resolution:

Domain name registrations as a result of the Sunrise Phase may be challenged under the Sunrise Dispute Resolution Procedures. Please refer to the [.SAARLAND Sunrise Dispute Resolution Policy](#) and the [NAF Sunrise Dispute Resolution Policy Rules](#) available on the Registry website.



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