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Translation from German

Auction Guidelines for the .WIEN Top-Level Domain



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1 Management Summary

The guidelines of punkt.wien GmbH on assignment of domains provide for Auctions both during the start-up phases and when assigning special domains. In this way the decision on the assignment of a Domain between two or more equally ranked Applicants for a specific .WIEN domain is made.

To be able to guarantee to participants in such Auctions

- the necessary legal certainty,
- a transparent and uniform procedure
- and, thus, equal opportunities

the auction guidelines summarised in this document have been formulated, which in the case of Auctions prevail over the General Guidelines and constitute binding rules for Registrants, Registrars and the Registry.

2 Definitions

The definitions contained in the *General Guidelines for Setting Up and Function of the .WIEN Top-Level Domain* shall apply.

3 Applicability of the Guidelines

Together with the General Terms and Conditions and the General Guidelines for Setting Up and Function of the .WIEN Top-Level Domain these Auction Guidelines contain a detailed description of all technological and administrative measures taken by the Registry to warrant proper, fair and technically stable processing of Auctions under the .WIEN TLD. The Auction Guidelines shall apply to all Auctions carried out by .WIEN in connection with the assigning of Domains.

4 Arranging auctions

In the Landrush Phase and in the Sunrise Phase of .WIEN as well as in connection with the assigning of special Domains Auctions shall be arranged if and when several Applicants of equal priority apply for the same Domain.

5 Transmission of applicant data to and examination by the Registry

If an Auction is arranged in the course of the Sunrise Phase or the Landrush Phase, the Applicant data has been collected by the Registrar beforehand in connection with the application for a Domain and has been transmitted to punkt.wien GmbH.

Trademark rights, rights to use a name or other rights will also be examined during the Sunrise Phase before an Auction is arranged.

When Domains are auctioned that are offered in a special assignment procedure, the Applicant shall transmit his data directly to .WIEN.

6 The auction procedure

6.1 Notification of acceptance into the auction procedure

The Applicants shall be notified of their acceptance into the auction procedure as soon as possible and shall be given an access code to the auction platform.

6.2 Time and duration of the procedure

The Auction will start not earlier than 48 hours after notification of the Applicants at 9:00 hours local Vienna time on the following business day. (Example: notification on Thursday, 28 June 2013, at 14:00 hours, start of the Auction on Monday, 1 July 2013 at 9:00 hours).

The normal duration of an Auction is 7 (seven) days. As a rule, Auctions start on a weekday (Monday through Thursday) and will be closed one week later. If a significant activity occurs, an Auction may be extended by 36 hours. Extensions of Auctions serve the purpose of ensuring a fair mechanism for all bidders across all time zones so that no one is pre-empted.

Auctions will be extended if the highest bid changed in the last 36 hours. The new time of closing will then be fixed at 36 hours after entry of the last highest bid. Eventually, this means that a maximum bid must lead the Auction for 36 hours without changes in order to win; only then will the Auction be closed.

6.3 Currency and terms of payment

All Auctions will be processed and billed in euros (EUR).

Billing of the highest bid made in the Auction to the winner is effected on behalf of punkt.wien GmbH.

The methods of payment for the different pecuniary limits are as follows:

- Amounts below EUR 1,000 will be automatically debited from the credit card stated in the account.
- As regards amounts between EUR 1,000 and EUR 10,000 bidders from Austria, Germany, Liechtenstein and Switzerland will be charged by wire transfer or credit card; as regards bidders from other countries the amount shall be debited from their VerifiedByVISA or SecureMasterCard that has been included in the extended authentication procedure. Alternatively, they may also make a wire transfer at their cost.
- As regards amounts of more than EUR 10,000 a wire transfer is mandatory. The payer shall bear any bank charges; please ensure that in the case of a wire transfer the total amount invoiced will be credited to the account of punkt.wien GmbH and that no bank charges will be deducted from the amount transferred. As long as the amount is not paid you will receive one email message per day reminding you that payments are outstanding.



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If the winner of an Auction fails to fulfil his payment obligations (or in the case of a reverse entry or denial of entry by the credit card provider or the bank) punkt.wien GmbH reserves the right to revoke the assignment he has won in the Auction for the .WIEN domain name.

Moreover, punkt.wien GmbH is entitled to charge an administrative fee for restoring payment procedures in the case of a reverse transfer, a reverse entry or cancellation of the transaction by the credit card provider or by another payment service provider.

6.4 Registration for the auction account

Prior to the start of an Auction every Applicant involved shall register by providing the details of his credit card.

All data advised shall be kept confidential by punkt.wien GmbH and shall only be used for the Auction. If data is false or incomplete and if for that reason the necessary criteria for assignment are not fulfilled, this will result in loss of the domain purchased by auction by a unilateral declaration of punkt.wien GmbH.

When the auction account is created, punkt.wien GmbH will create a unique bidder ID, which will be used for identifying the Applicant on the auction platform. Such bidder ID will disclose no user-related information whatsoever.

If the Applicant creates an auction account, punkt.wien GmbH will use the Applicant's credit card to check the validity. For this purpose a preauthorisation of EUR 60 will be made on the credit card (no debit entry). Such preauthorisation will never be confirmed and will not be stated in the credit card statement; depending on the credit card provider it will be removed after a few days.

Once the account is activated, Applicants may make unlimited bids for .WIEN domains in the Auctions (provided that such bidders are domiciled in Austria, Germany, Liechtenstein or Switzerland). If the Applicants are domiciled outside Austria, Germany, Liechtenstein or Switzerland and intend to bid more than EUR 10,000, an additional verification procedure shall be necessary. The application form for advance qualification can be found via the link on the settings page of the user account.

6.5 Bidding

Through the .WIEN auction account the Applicant is granted access to all Auctions for which he has qualified under the same email address.

Auctions follow a standard procedure that consists of arranging, opening and closing an auction: at least 48 hours before an Auction starts the Applicant will be advised that an Auction has been arranged for him. When an Auction has started, the Applicant will be notified thereof. He may then place bids via the web interface. When the Auction is closed the Applicant will be notified thereof and sent a request to initiate the payment procedure, if applicable.

Depending on the highest bid, the following increments apply:

From	To	Minimum bid
EUR 0	EUR 999	EUR 25
EUR 1,000	EUR 2,499	EUR 50
EUR 2,500	EUR 9,999	EUR 100
EUR 10,000	EUR 24,999	EUR 500
EUR 25,000	EUR ----	EUR 1,000

6.6 Automated bids

Every bid that is placed more than one increment above the necessary next higher bid must be considered an automated bid. (The system bids automatically step by step up to the bid made). First, the system will increase such bid only by the minimum increment to ensure that the Auction is led (unless there is another bid that is higher. In that case the total amount will be bid and the Applicant would be outbid by the other bidder with the higher bid). There can be only one maximum bid per Auction at a time; such bid may, but need not be the current highest bid.

If the bidder is outbid the auction system will automatically continue to bid up to the bidder's maximum bid. The amount of the automated bid will never be disclosed to other users unless the maximum bid has exceeded the automated bid.

If a valid bid is equal to an automated bid, then the highest bid will be set to that value and the participant who first placed that amount will lead the Auction.

6.7 Last and highest bid

The last bid will be a bid that has remained the highest bid for a period of 36 hours without change. The period between Saturday 0:00 hours and Sunday 24:00 hours will



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not be included in this calculation. The same applies to public holidays in Austria. (Example: a bid must remain the highest bid from Friday 9:37 hours until Monday 21:36 hours to be considered the last bid and for the bidding Registrant to end up as eligible for Registration.)

6.8 Conclusion of the auction procedure

The bidder who made the last bid shall be informed about the winning bid by the Registry via email.

7 Payment

The last bid shall be debited from the winning bidder's credit card. If the credit card limit is exceeded, the payment made via wire transfer must be credited to the account of punkt.wien GmbH within five (5) business days.

8 Auction principles

In addition to the General Terms and Conditions and the General Guidelines for the Setting Up and Function of the .WIEN Top-Level Domain the following binding rules for Auctions are established, which the Applicant accepts by registering for the Auction.

8.1 Responsibility for the account

The user shall keep his User ID and his password safe. He hereby accepts full responsibility for any bids or modifications that are made under that account and use the password.

8.2 Auction communication

During the entire auction procedure of .WIEN email messages will be sent to the Applicants. Those email messages will be sent from no-reply@punktwien.at. The Applicant shall ensure that email messages from the above address will not go to the spam folder or be blocked.

Participants in the Auction will receive email notifications in various contexts, which include

- Initial account verification
- An Auction has been arranged.
- An Auction starts.
- An Applicant has been outbid and the Auction will be lost unless additional action is taken.
- An Auction period has been extended.
- "Last day of Auction" notice (for Applicants who have not bid for an Auction yet)
- The Applicant has won the Auction.
- Request for payment
- Acknowledgement of receipt of payment and pending assignment

Once a domain name has been assigned the Registry will contact the Registrar to advise the status of all participating domain applicants.

8.3 Binding effect of bids

The bids made by the bidder constitute legally binding offers that are unconditionally binding, cannot be changed and are irrevocable. punkt.wien GmbH reserves the right to enforce legally effective bids also in court.

8.4 Observing of Signs

In the auction procedure the Registrants act at their own risk and shall independently assess the legal situation with respect to Signs. They shall themselves be responsible for not violating Signs.

9 Registration procedure

Final Registration of the Domain will be carried out via a Registrar.

9.1 Transmission of an authentication code

When the only remaining Registrant has been identified and after the costs and fees have been paid, the Registry will send the authentication code to the Registrant. Only



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the Registrant to whom the authentication code was transmitted shall be able to register with the Registry through a 2013 RAA Registrar.

9.2 Entry in the WHOIS Database

The function of the WHOIS Database is described in the *.WIEN WHOIS Policy*. The entry will be made in the course of Registration of the new Domain.

10 Alternative dispute resolution (= conciliation) procedure

The Applicants submit themselves to the alternative dispute resolution procedures described in Clause 7 of the General Guidelines for Setting Up and Function of the .WIEN Top-Level Domain. The up-to-date details from time to time are available on the ICANN website, and the punkt.wien GmbH website provides a link to the most recent version. The Applicants are responsible for studying the procedures and for reacting appropriately, where necessary.

11 Other Provisions

The "Other provisions" of Clause 9 of the General Guidelines for Setting Up and Function of the .WIEN Top-Level Domain shall apply.



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APPLICATION FOR PARTICIPATION IN AUCTIONS

A. Information about the Applicant (all applicants)

Name:

Account ID:

Date of birth:

Passport number or ID number:

Issuer:

B. Information about the Applicant - private individual

Address (street 1):

Address (street 2):

Address (town):

Address (province):

Address (country):

Address (ZIP code):

Phone number:

Email:



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C. Information on the Applicant - business

Name:

Country:

Legal form (GmbH [limited liability company], AG [joint-stock company], etc.):

Address (street 1):

Address (street 2):

Address (town):

Address (province):

Address (country):

Address (ZIP code):

Name of authorised applicant:

Phone number:

Email:

Website:

D. Credit references

Please state the name of one or several banks where you or your business hold an account. Please state the name of the bank, the account number, one contact and a phone number where the bank can be contacted if any questions arise.

Ref.	Bank	Account no.	Contact	Phone no.



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E. Member Certification

By submitting this application I accept the following:

- Before creating the auction account I have read, understood and accepted the General Terms and Conditions.
- All contact details in this application and in my auction account are accurate and valid.
- I agree that every bid accepted in the Auction is a binding contract. I will carefully consider a bid before making and confirming it.
- I understand that failing to fulfil my obligations under a won Auction may result in legal consequences.
- I represent that the information in this application and in the related auction account is true and accurate and has been given voluntarily.
- In the case that this application has been submitted in the name of a public authority, an association or a business I confirm that I am an officer who has been authorised by such entity to do so.
- I authorise punkt.wien GmbH to check my creditworthiness, credit history and financial responsibility via a credit agency or by other reasonable measures, including direct contact to former or current creditors.
- I authorise banks and other financial institutions to provide punkt.wien GmbH with information on my accounts and my creditworthiness upon request.
- In the case that information provided herein changes I will advise punkt.wien GmbH thereof in writing within five business days of effectiveness of the change.

Authorised signature:

Name in capital letters: _____ Date: _____

Job title: _____