The .RUHR Sunrise Dispute Resolution Policy describes possibilities for reviewing domain registration during the sunrise and .RUHR phase, subject to the following conditions.

1. Introduction

a.   The registry assumes that the validation procedures carried out for application for registration of a [.RUHR] domain during roll-out are sufficient to prevent faulty applications.

b.   Regardless of this, third parties (also "**complainants**") who wish to object to a specific registration have the option of filing a complaint against registration of a specific domain (also "**SDRP   process**"). Registrants who have registered domains complained of under the provisions of this policy are referred to hereafter as "**respondents**".

c.   Complainants are notified that the SDRP procedure is not a substitute for or alternative to the other trademark dispute resolution procedures such as URS or UDRP. The SDRP procedure is never used for a trademark dispute. SDRP procedure are concerned solely with the reasons for complaint listed under (2) which are directed at fault validations.

d.   Under this policy, complaints can only be made about domains for which the registry itself has validated the authorisation of the registrants in question. If registrations are based on validations performed by the Trademark Clearinghouse, a complaint is inadmissible. In this case, complaints are referred to the provider of the Trademark Clearinghouse.

e.   The registry will commission an expert and neutral third party ("**Dispute Resolution Provider**" or "**DRP**") to resolve the dispute in accordance with the SDRP. Information on the dispute resolution provider and the fees for dispute resolution are published on the registry's website.

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2. Parties, reasons for complaint

The following cases cover all the reasons for complaint under the SDRP. A complaint is admissible if

- the registered domain is not identical with the sequence of characters contained in the SMD file generated by the TMCH, or
- the domain registration was not in favour of the earliest registration, where the time stamp for receipt by the registry is decisive, or
- the registrant received a domain registration without an admissible address during the .RUHR phase.

3. The complaint procedure

a. The registry together with the DRP will provide electronic forms in sufficient time before the start of the sunrise phase with which complainants can initiate the procedure. The form will request all necessary data. Incomplete applications cannot be processed.

b. Complainants should state before initiating the procedure whether they want registration in their favour of the domain complained of. In this case complainants must provide evidence meeting all the conditions for registration of the domain in the [.RUHR] policies along with submission of the complaint. This also applies for any validations required. If the complainant does not provide this information, they cannot request transfer under this policy of the domains complained of.

c. The complainant is obliged to pay the fees published by the registry for carrying out the procedure. The registry will publish details in sufficient time.

d. The complainant should submit all necessary documentation to the DRP along with submission of the complaint. Necessary documents are those showing a reason for complaint listed under (2) above, and specifically extracts from trademark registers, screenshots of web sites or extracts from commercial registers.

e. If the DRP agrees that there is a reason for complaint, the respondent is requested to respond with a set period.

    f. If the respondent fails to respond, the complaint is upheld. If the respondent responds, the DRP will review this and then issue a written decision on the complaint.

    g. The parties will be informed by e-mail of all acts by the DRP. An exception is the final decision of the DRP, which is sent to the parties in writing.

4. Consequences of a complaint procedure

    a. After completion of the complaint procedure the parties should state within a period set by the DRP whether review of the DRP's decision by a regular court is required. Court review is also possible after the end of the periods of notice set by the DRP.

    b. However, after expiration of such a period of notice, the registry is entitled to dispose of the [.RUHR] domain involved in accordance with the DRP's decision. Specifically, the registry may be entitled to:

- transfer the domain involved to the complainant, or
- delete the domain in question, or
- in the event of court proceedings, to protect the domain involved from trades and/or transfers until the close of the proceedings.

5. Other

    a. The sole venue for all disputes with companies arising out of and in connection with the **.RUHR Sunrise Dispute Resolution Policy** is Essen. If the registry is the plaintiff, it is also entitled to choose the registered office of the registrant as venue. This does not affect the right of both parties to seek injunctive relief before the competent courts as recognised by statute. In the event of disputes with consumers, the general venues apply.

    b. The dispute resolution procedure described here does not constitute formal arbitration within the meaning of the German Civil Procedure Code. While the procedure under SDRP is helpful and promotes speedy resolution of the issue, it is not a formal requirement for filing suit.

    c. German law shall apply exclusively.

d. If any provision of the present policy should be or become invalid or contain an inadmissible period of notice or a gap, this does not affect the legal validity of the other provisions. Unless the invalidity results from a violation of §§ 305 et seq. German Civil Code (BGB) the invalid provision is deemed to be replaced by a valid provision which commercially most closely approaches the result intended by the parties. The same applies in the event of a gap. In the event of an inadmissible period of notice, the statutory period applies.