

## **.alsace SDRP**

### **Sunrise Dispute Resolution Policy**

This Sunrise Dispute Resolution Policy (the “**SDRP**”) is incorporated by reference into the Registration Agreement.

An SDRP Complaint may be filed against a domain name registered during the .alsace TLD (the “**TLD**”) sunrise period (the “**Sunrise Period**”).

Domain names in the TLD can be registered by third parties or reserved by the Registry. This SDRP shall become effective as of January 19, 2015.

#### **1. Purpose of this document**

This SDRP describes the process and standards that will be applied to resolve challenges alleging that a domain name has been registered, or has been declined to be registered in the .alsace TLD, in violation of the Registry’s Sunrise Eligibility Requirements set forth in the TLD Launch Policy.

This SDRP will not be applied to Registry-reserved names in the TLD or to domain names registered following any Limited Registration Period or Landrush which is part of the .alsace Launch Program.

#### **2. Applicable Disputes**

A .alsace domain name allocated or denied in the Sunrise Period will be subject to this SDRP upon submission of a complaint alleging that the allocation or denial was improper under one or more of the following criteria:

##### **2.1. Improper Sunrise Allocation**

A complaint under this section shall be required to show by reasonable evidence that a registered domain name in the .alsace TLD does not comply with the provisions of the Registry’s Sunrise Eligibility Requirements. The complaint must prove one or more of the following elements:

- a. At the time the challenged domain name was registered, the registrant did not hold a trademark registration with national effect (or regional effect) or the trademark had not been courtvalidated or protected by a statute or treaty; or
- b. The Domain Name is not identical to the mark on which the Registrant based its Sunrise registration; or
- c. The trademark registration on which the registrant based its Sunrise application is not

of national effect (or regional effect) or the trademark had not been court-validated or protected by statute or treaty.

### **2.2. Improper denial of Sunrise Allocation**

- a. A complaint under this section shall be required to show that the Registry failed to allocate a .alsace domain name that was applied for in compliance with the Allocation Criteria required for the Registry's Sunrise phase.
- b. In addition, to pursue the remedies set forth in Section 5.2 improper denial of sunrise allocation (a) and (b) below, the complainant **MUST** notify the Registry Operator within the ten (10) calendar days following the Registry Operator's decision to deny allocation of the domain name of its intention to submit a complaint under this SDRP. Such notice must be in writing.

## **3. SDRP Effective dates**

Any SDRP claim brought under this Policy for domain names registered in the .alsace TLD shall be brought before forty-five (45) calendar days following the close of the Registry's Sunrise phase.

## **4. Defenses**

A Respondent may produce evidence to show that, although the Sunrise allocation was granted based on submission of the wrong documents, or documents containing an error, the true and correct evidence existed at the time the Sunrise allocation was applied for and, thus, the allocation would have been granted.

## **5. Remedies**

The remedies available to a complainant for a complaint brought under this SDRP shall be limited to:

### **5.1. Improper Sunrise Registration**

If the complaint is filed under Section 2.1 of this SDRP, any ongoing contention resolution process will be suspended until the dispute is resolved. If the Registry Operator finds that the domain name was improperly allocated during the Sunrise Period, the following remedies will apply:

- a. If the complainant submitted a Sunrise-eligible application for the disputed domain name, the disputed domain name will be registered in favor of the complainant, provided that the complainant has the only existing Sunrise eligible application. If there is more than one eligible Sunrise application for that domain name, the auction process will continue for the remaining Sunrise eligible applications, including that of the complainant;
- b. If the complainant applied for the disputed domain name based on a lower priority right (e.g. during the non-TMCH trademarks Limited Registration Period) and the complainant's application was rejected for being of lower priority in the hierarchy than that improperly allocated, the disputed domain name will be allocated following the hierarchy criteria of the .alsace Launch program;
- c. If no other eligible applications have been submitted for the disputed domain name during Sunrise or other lower-priority periods of the .alsace Launch Phase, the disputed allocation will be cancelled and it will be returned to the pool of names available for General Registration in the .bzh TLD.

### **5.2. Improper Denial of Sunrise Registration**

If the complaint is filed under Section 2.2 of this SDRP, any ongoing auction process will be suspended until the dispute is resolved.

If the Registry find that the application was improperly denied during the Sunrise Period, the following remedies will apply:

- a. If the disputed domain name has not yet been allocated:
  - (i) it will be registered in favor of the complainant, provided that the complainant is the only existing Sunrise eligible application; or
  - (ii) if there is more than one Sunrise eligible application for that domain name, the contention resolution process will begin or continue for the remaining Sunrise eligible applications, including that of the complainant.
- b. If the disputed domain name has already been allocated in favor of a third party that fulfilled the Sunrise Eligibility Requirements, the domain name will go to contention, provided that the complainant notified the Registry Operator in due time of its intention to submit a complaint pursuant to Section 2.2 (b) of this SDRP.
- c. If the disputed domain name has already been allocated in favor of a third party with an inferior right than that of the complainant, the domain name will be registered in favor of the complainant provided that the complainant notified the Registry Operator in due time of its intention to submit a pursuant to Section 2.2 (b) of this SDRP.

## **6. Procedure**

### **6.1. Complaint**

To challenge a registration allocated or rejected in the Sunrise Period, the applicant must:

- a. Submit to the Registry Operator a written challenge proving that the domain name allocation or denial of allocation during the Sunrise Period was improper under one or more of the criteria set forth in this SDRP, along with supporting documentation. Challenges must be sent via email to [abuse@point-alsace.com](mailto:abuse@point-alsace.com)
- b. Pay a Procedure Fee to the Registry Operator.

### **6.2. Statement of defense**

The applicant or registrant of a disputed domain name in the .alsace TLD shall be promptly notified by the Registry of the commencement of a dispute under this SDRP, and may contest the allegations of the complaint or show other cause why the remedy requested in the complaint should not be granted in accordance with this SDRP. In all cases, the burden of proof shall be on the complainant, and default or other failure of the applicant or holder of the disputed domain name shall not constitute an admission to any allegation of the complaint.

### **6.3. Decision**

Registry Operator will assess the challenge, its claims and supporting documentation. Registry Operator may ask for further information from the applicant and/or the domain Name holder in order to make an informed decision. Within ten (10) calendar days after gathering all the required information, the Registry Operator will make a decision on whether the challenge should prevail and will notify the interested parties via email.

### **6.4. Change of status**

If a Decision requires a change to the status of a registered domain name, the Registry Operator will implement it within the following ten (10) business days after communication of the decision to all the parties involved.

### **6.5. Representations and warranties**

Parties to a dispute under this SDRP shall warrant that all factual allegations made in the course thereof are true and correct to the best of their knowledge, shall remain subject to all representations and warranties made in the course of registration of a disputed domain name.

## **7. Maintaining the Status Quo**

During a proceeding under the SDRP, the registered domain name shall be locked against transfers between registrants and/or registrars and against deletion by registrants.

## **8. Indemnification**

The parties of a proceeding under this SDRP shall:

- a. hold the registrar, the Registry, and the respective employees, contractors, agents and service providers harmless from any claim arising from operation of the SDRP.
- b. not name the registrar, the Registry, and the respective employees, contractors, agents and service providers as a party or otherwise include the registrar, the Registry, and the respective employees, contractors, agents and service providers in any judicial proceeding relating to the dispute or the administration of the SDRP Policy.
- c. indemnify, defend and hold harmless the registrar, the Registry, and the respective employees, contractors, agents and service providers from any claim arising from the conduct or result of a proceeding under this SDRP. Neither the registrar, the Registry, and the respective employees, contractors, agents and service providers shall be liable to a party for any act or omission in connection with any administrative proceeding under this SDRP or the corresponding Rules.

The complainant shall be directly and solely liable to the registrant in the event the complaint is granted in circumstances where the registrant is lawfully entitled to registration and use of the registered domain name(s) in the TLD.

## **9. Relation to Other Dispute Resolution Policies**

This SDRP is in addition to and complementary with the Uniform Domain Name Dispute Resolution Policy (“UDRP”), the Uniform Rapid Suspension System (“URS”) and any charter, nexus, or eligibility dispute policies adopted by ICANN or the Registry.

## **10. SDRP Modifications**

The Registry Operator reserves the right to modify this SDRP at any time. Such revised SDRP shall be posted at least thirty (30) calendar days before it becomes effective; unless this SDRP has already been invoked by the submission of a complaint, in which event the version of the SDRP in effect at the time it was invoked will apply until the dispute is concluded. In the event that registrant objects to a change in this SDRP, the sole remedy is to cancel the registration, provided that registrant will not be entitled to a refund of any fees paid in connection with such registration.