

# **.WHOSWHO LAUNCH PLAN**

## **-- as amended 10 December 2014 --**

This launch plan has been developed to describe the launch of the .WhosWho gTLD (generic Top Level Domain/"TLD") by Who's Who Registry ("Registry Operator").

The launch will consist of a Start Date Sunrise period which allows qualified trademark holders the ability to secure their trademarks in the TLD before registration by the general public becomes available. Its purpose is to give reasonable protection and priority to stakeholders and certain prior rights holders, as well as to deter abusive and bad faith registrations.

The TLD Sunrise Policies are also designed to facilitate reliability for ICANN Accredited Registrars and the TLD Community and fair competition amongst registrants. The single phase Sunrise process will be executed by the Registry Operator as set forth in this document.

The Sunrise process described in this document is derived from the framework referenced in the Registry Agreement with ICANN. Details about ICANN's requirements for Rights Protection Mechanisms can be found on the ICANN website at the following link

<http://newgtlds.icann.org/en/about/trademark-clearinghouse> .

In addition, the Registry will open the Registry for a Limited Registration Landrush period following the conclusion of Sunrise and prior to the start of General Availability (GA).

This document forms the complete launch plan, policy and processes adopted by the Registry Operator for the launch of the TLD.

### **Background**

#### **Rights Protection Mechanisms and the Trademark Clearinghouse**

ICANN has established the Trademark Clearinghouse ("TMCH") and associated processes and procedures so that the Registry Operator can comply with its obligation to implement Rights Protection Mechanisms. Registry Operator's implementation of the Sunrise Period has been integrated and tested with the TMCH Sunrise and Claims Operator appointed by ICANN ("TMCH Service Provider"). Information about the Trademark Clearinghouse and the TMCH Service Provider can be found at the following link:

<http://trademark-clearinghouse.com/> .

The Registry Operator's role is to verify that the information provided by a Registrar to the Registry Operator matches the information that is contained in the TMCH. The Registry Operator does not make any decisions about the validity or use of a mark or its inclusion in the Trademark Clearinghouse.

In contrast to the Sunrise period, the Limited Registration Landrush period is not a Rights Protection Mechanism, and there are no special qualifications required of Landrush applicants. Landrush is, instead, a period during which highly-motivated prospective-Registrants make applications to secure the .WhosWho domain name(s) they want to hold at the conclusion of the Landrush period. Payment

of non-refundable per-domain application fees in addition to normal registration fees are required of those wishing to participate in the Landrush process. At the close of Landrush, registrations are processed by the Registry for those applicants whose desired domain(s) were uncontested; for those domains that have more than one applicant, an auction process is used to determine the winner. All application and registration fees paid by non-winning bidders are waived/refunded as appropriate.

## **Purpose**

The purpose of this launch plan is to describe our Launch Programs for the TLD. The Sunrise Program has been designed such that it grants priority to certain rights holders before granting registration access to the general public. Additionally, it will act as a deterrent to abusive and bad faith registrations.

This launch plan defines the implemented Sunrise Program by describing, amongst other things:

- the terms by which eligible parties may submit an Application during the Sunrise Program; and
- the manner in which Applications will be processed, validated, and allocated.

This launch plan applies to persons or entities submitting Applications, and Registrars during the Sunrise Period, as well as the separate Limited Registration Landrush Period that follows it.

**[This Launch Plan is not applicable to General Availability.]**

## **DEFINITIONS**

**ASCII** means the American standard code for information interchange.

**Allocation** means the method by which a domain name is created and assigned to an Applicant. Allocated shall have a corresponding meaning.

**Applicant** means a natural person, company, or organization submitting a Sunrise Application.

**Application** means the complete and technically correct request for a domain name, which complies with the Sunrise Period policies and any other policy issued by Registry Operator, ICANN or contracted third parties with Registry Operator to perform or support registry related functions.

**Claims Notice** means a notice provided to an Applicant indicating that the applied for Label is a Trademark Match to a Trademark Record in the Trademark Clearinghouse.

**Claims Services** means the services that collectively provide:

- Applicants with a Claims Notice, and
- Trademark Holders, with a corresponding Trademark Record, with notice that a Label that is a Trademark Match to the Trademark Record is Allocated.

**Claims Period** means any period during which the Claims Services are provided.

**Complainant** is a person (legal or natural) who makes a complaint related to this Sunrise Period.

**Domain Name** means a domain name in and maintained by the Registry Operator's database consisting of at least the Domain Name Label and TLD together, separated by a dot (e.g., "second.WhosWho").

**Domain Name Label** means the characters to the left of the dot that precedes the TLD (e.g., in the Domain Name "second.WhosWho", "second" is the label).

**General Availability** means “open registration,” the point in time following which requests to register a domain name may be received from any eligible party on a first-come, first-served basis without an SMD or corresponding trademark credential.

**ICANN** means the Internet Corporation for Assigned Names and Numbers, its successors and assigns.

**ICANN Registry Agreement Date** refers to the date on which Registry Operator executed the new gTLD Registry Agreement for the TLD with ICANN and shall mean 20 February 2014.

**Identical Match** is when the domain name label is an identical match to the trademark, meaning that the label consists of the complete and identical textual elements of the mark in accordance with section 4.2.1 of the TMCH Guidelines. In this regard:

- a.) for a trademark exclusively consisting of letters, words, numerals and/or special characters: the recorded name of the mark is an identical match to the reported name as long as all characters are included in the trademark record provided to the TMCH and in the same order in which they appear on the trademark certificate;
- b.) for a marks that do not exclusively consist of letters, words, numerals, or special characters: the recorded name of the trademark is an identical match to the reported name as long as the name of the trademark includes letters, words, numerals, keyboard signs, and punctuation marks that are:
  - (i) predominant;
  - (ii) clearly separable or distinguishable from the device element; and
  - (iii) all predominant characters are included in the trademark record submitted to the TMCH in the same order they appear in the mark.

**IDN** means Internationalized Domain Name. Registry Operator is currently authorized by ICANN to offer the TLD in **German, Portuguese, Spanish and simplified and traditional Chinese**.

**Label** means a string of characters used to form part of a domain name.

**Limited Registration Landrush Application** means the non-transferrable, complete, technically correct request for a Domain Name Registration submitted by a Registrar to the Registry during Landrush.

**Limited Registration Landrush Dispute Resolution Process Provider** is the dispute resolution provider appointed by Registry Operator to administer resolution of disputes arising during the Landrush period, which is the National Arbitration Forum ("NAF"). Their applicable policies, located at <http://adrforum.com>, are incorporated by reference herein.

**Landrush Registration** means a domain name allocated to a Landrush Period Applicant applied for during the Landrush Period, whether allocated to the Applicant for an uncontested domain at the

close of Landrush, or allocated to the winner of an auction process after the conclusion of an auction process. Pool.com has been designated as the auction provider for any and all .WhosWho Landrush auctions.

**Panelist** is the person or organization appointed by the Provider to provide a written decision in relation to a dispute arising under the Sunrise launch period.

**Respondent** is the applicant or registrant of the domain name(s) subject to a complaint under the Sunrise Period launch plan.

**Registrar** means a Domain Name registrar that is (i) accredited by ICANN and (ii) has entered into a Registry-Registrar Agreement with the Registry Operator for the TLD.

**Registry Operator** means the .WhosWho Top Level Domain owned and operated by Who's Who Registry

**Registry Website** refers to **domains.WhosWho** or other TLD-specific URL directed from such website.

**Service** means the services that Registry Operator provides in relation to the TLD.

**SMD File** means the Signed Mark Data file provided by the TMCH Sunrise and Claims Operator to a holder of a Validated Mark which is encoded with information such as the Labels that may be Allocated during a Sunrise Period and signifies that the TMCH has verified that the trademark contained in the SMD File meets the requirements for inclusion in the TMCH in accordance with TMCH Guidelines in force at the time when a complaint under this launch plan is filed.

**Sunrise Application** means the non-transferrable, complete, technically correct request for a Domain Name Registration submitted by a Registrar to the Registry during Sunrise.

**Sunrise Dispute Resolution Process Provider** is the dispute resolution provider appointed by Registry Operator to administer resolution of disputes arising during the Sunrise period, which is the National Arbitration Forum ("NAF"). Their applicable policies, located at <http://adrforum.com>, are incorporated by reference herein.

**Sunrise-Eligible Rights Holders** means Trademark Holders who have been issued with a SMD File from the TMCH Sunrise and Claims Operator and meet the Sunrise Eligibility Requirements specified herein.

**Sunrise Eligibility Requirements** means the requirements outlined herein that an Applicant must meet to participate in the Sunrise Period.

**Sunrise Registration** means a domain name allocated to a Sunrise-Eligible Rights Holder and Applied for during the Sunrise Period.

**Sunrise Period** means the period during which Sunrise-Eligible Rights Holders have the opportunity to submit an Application for a domain name in the TLD prior to, and does not include, General Availability.

**TLD** means Top Level Domain and for the purpose of this launch plan the TLD shall be .WhosWho.

**TMCH** means the Trademark Clearinghouse, which is the mechanism made available for the validation and database management of rights protected terms, typically trademarks. See:  
[http:// www.trademark-clearinghouse.com](http://www.trademark-clearinghouse.com)

**TMCH Guidelines** are the guidelines published by the TMCH for mark holders and agents to inform them about the eligibility requirements for inclusion of marks in the TMCH and participation in sunrise services (currently found at <http://www.trademark-clearinghouse.com>).

**TMCH Sunrise and Claims Operator** means the providers appointed by ICANN to serve as the Trademark Clearinghouse by accepting, authenticating, validating and facilitating the transmission of information related to certain trademarks.

**Trademark Clearinghouse** means the central repository for information to be authenticated, stored, and disseminated, pertaining to the rights of Trademark Holders.

**Trademark Clearinghouse Guidelines** means the guidelines which can be found at the following link <http://www.trademark-clearinghouse.com> (as may be updated from time to time) which provide an overview of the requirements for the inclusion of trademarks in the Trademark Clearinghouse and the issuance of a SMD File.

**Trademark Holder** means a holder of mark(s) that have been verified by the TMCH Sunrise and Claims Operator as meeting the requirements specified in the Trademark Clearinghouse Guidelines.

**Trademark Match** means that a Label is a match to a trademark, as described in the Trademark Clearinghouse Guidelines.

**Trademark Record** means a complete and correct set of information concerning a trademark or other mark submitted to the Trademark Clearinghouse.

**Validated Mark** means a mark that has been verified by the TMCH Sunrise and Claims Operation as meeting the requirements specified in the Trademark Clearinghouse Guidelines including those relating to proof of use.

**We, us and our** refers to Who's Who Registry, the .WhosWho registry operator, or our designated representatives.

# **.WhosWho Sunrise Period Policies**

## **Scope and Timing:**

Registry Operator will offer a thirty (30) day Start Date Sunrise specifically in relation to Rights Protection Mechanisms. The Sunrise Period allows trademark holders the ability to secure their trademarks in the .WhosWho TLD prior to General Availability. During the Sunrise Period, only SMD File holders (or their agents) are allowed to submit Sunrise Application(s). Successful Sunrise Registration(s) will be allocated on a first-come, first served basis.

## **Application Process:**

The following process applies to Sunrise Applications:

- SMD Files submitted with Sunrise Applications are validated by Registry Operator, via Neustar, Inc.'s ("Registry Service Provider") systems.
- Sunrise Applications missing a valid SMD File or containing an invalid SMD File will be rejected by the Registry Operator, via the Registry Service Provider.
- Domain Names will be allocated to the Applicant on a first-come, first-served basis, for which valid Sunrise Application(s) have been received, that:
  1. meet the Sunrise Registration eligibility criteria described herein; and
  2. were submitted in accordance with Registry Policies, ICANN Requirements, and the Registry-Registrar Agreement.

## **Available Sunrise Registration Periods:**

Sunrise Period Registrations may be purchased in yearly increments of no less than one (1) year and no more than ten (10) years, commencing on the date on which the Domain Name is registered. Unless otherwise terminated, such registration will expire on the same day of the month the registration was created, unless it was created on 29 February, in which case it will expire on 1 March.

## **Processing Sunrise Registrations:**

The Registry Operator will not process a Sunrise Application unless the Registry has:

1. validated the SMD File with the TMCH; and
2. received, or has, in its discretion, reasonable assurance of payment from the Registrar of all applicable fees, including the non-refundable, one-time Sunrise participation fee for the Sunrise Application.

Sunrise Applications may only be submitted by a Registrar sponsoring the Sunrise Applicant and must include an SMD File corresponding to the Domain Name Label in the applied-for Domain Name.

## **Eligible Applicants:**

Each applicant must meet the qualifications specified by ICANN requirements and detailed in the TMCH Guidelines, as they may change from time to time.

**SMD File Requirements:**

The Applicant must first provide information required by the TMCH to obtain the SMD File as detailed in Sections 2 and 3 of the TMCH Guidelines. The TMCH then will issue an SMD File to verified applicants. A Sunrise Applicant must submit a valid SMD File along with its Sunrise Application. The Registry Operator will perform verification of the SMD File and confirm that the applied for Label is contained in the SMD File. Where verification of the SMD File fails or the applied for Label is not contained in the SMD File, that Application will be rejected.

**Allocation:**

Unless otherwise stated in this statement of policies, the Registry Operator, via the Registry Service Provider, will allocate a Domain Name if:

- the Domain Name Label meets the requirements set out below;
- the Domain Name Label and the information contained in the Registrar's request meet the requirements in the Registrar Terms and Conditions; and
- the Domain Name Label is available.

**Domain Name Label Requirements:**

Registry Operator, via Registry Service Provider, will not accept a Sunrise Application unless the applied-for Domain Name meets the applicable requirements as defined in RFC 1035 and RFC 1123, including the following technical and syntax requirements. The Domain Name Label must:

- if ASCII, consist exclusively of the letters A-Z (case insensitive), the numbers 0-9, and hyphens;
- if non-ASCII (e.g., IDN), consist of language scripts offered by the Registry (as specified on the Registry Website);
- not begin or end with a hyphen;
- not exceed 63 characters;
- contain at least one character; and
- not contain two consecutive hyphens following "xn", except where two consecutive hyphens (--) are used in the 3rd and 4th positions, when preceded by "xn" and followed by a label that corresponds with an IDN containing character codes.

**SLD Blocked Domains:**

Applications will be accepted for domain names appearing on the SLD block list and are subject to the terms contained in this Sunrise Period policy. For all domains registered that appear on the SLD block list, the domain name(s) will not resolve on the Internet until such time ICANN removes such prohibitions.

**Sunrise Applicant Notification:**

Notification to Sunrise applicants will be as follows:

- Registry Operator will notify the Registrar who sponsors a Sunrise Application on a real-time basis consistent with a completed Sunrise Registration and concurrent allocation on a first-come, first-served basis;
- Registry Operator may notify the TMCH of successful Sunrise Applications once the corresponding Sunrise Registration has been made;
- Registry Operator may also publish all or any portion of a Sunrise Application online (e.g., Whois)

### **The Registry's Rights:**

The Registry Operator shall be entitled, but not obligated, to reject a Sunrise Application or to delete, revoke, cancel, suspend or transfer a Sunrise Registration:

- to enforce Registry policies and ICANN Requirements, each as amended from time to time;
- that is not accompanied by complete and accurate information, or where required, information is not updated or corrected, as required by ICANN Requirements or Registry policies;
- to protect the integrity and stability of the operation or management of the Registry;
- to comply with applicable laws, regulations, policies or any holding, order, or decision by a competent court or administrative authority, or any dispute resolution service provider the Registry may retain to oversee the arbitration and mediation of disputes;
- to establish, assert, or defend the legal rights of the Registry or a third party, or to avoid any actual or potential civil or criminal liability on the part of or damage to the Registry or its affiliates, subsidiaries, contracted parties, officers, directors, representatives, employees, contractors, and stockholders;
- to correct mistakes made by the Registry or any Registrar in connection with a Sunrise Registration;
- if the Registry receives notice that the SMD File is under dispute; or
- as otherwise provided in the Registrar terms and conditions or Registry-Registrar agreement.



# **.WhosWho Limited Registration Landrush Period Policies**

## **Scope and Timing:**

Registry Operator will offer a sixty (60) day Landrush period with no prerequisite qualifications other than the desire to register a particular .WhosWho domain name, the motivation and wherewithal to participate in the application process, and the implicit agreement that any application submitted will not result in any violation of the Registry's Terms of Acceptable Use and or Nexus Policy and/or end-use. The Landrush Period allows such Applicants priority access to available domain names in the .WhosWho namespace prior to the opening of the General Availability period. During the Landrush Period, only Applicants paying a non-refundable application fee in addition to the annual fees for their desired registration term are allowed to submit a Landrush Application(s). Landrush applications will be held until the conclusion of the sixty (60) day period and allocated only after the application queue has been closed, with an auction process employed in the case of any contested domain name(s).

## **Application Process:**

The following process applies to Limited Registration Landrush Applications:

- All Landrush Applications submitted by participating Registrars are held by the Registry until the close of the Landrush Application Period.
- Domain Names will be allocated after the close of the Application Period to any Applicant whose application for a particular Domain Name was the only such application.
- Domain Names for any Domain Name(s) for which multiple applications were received will be consolidated by the registry and forwarded to the designated Auction provider for resolution via auction.
- Following the successful conclusion of an auction process, auction winners will be allocated the contested Domain Name(s) for registration.
- Non-winning bidders will have Application and Registration Fees waived or refunded, as appropriate.

## **Available Landrush Registration Periods:**

Landrush Period Registrations may be purchased in yearly increments of no less than one (1) year and no more than ten (10) years, commencing on the date on which the Domain Name is allocated. Unless otherwise terminated, such registration will expire on the same day of the month the registration was created, unless it was created on 29 February, in which case it will expire on 1 March.

## **Processing Landrush Registrations:**

The Registry Operator will not process a Landrush Application unless the Registry has received, or has, in its discretion, reasonable assurance of payment from the Registrar of all applicable fees, including the non-refundable, one-time Landrush participation fee for the Landrush Application.

Landrush Applications may only be submitted by a Registrar sponsoring the Landrush Applicant for the applied-for Domain Name.

**Eligible Applicants:**

Each applicant must pay the per-domain Landmark participation fee and only under the implicit agreement that any application submitted will not result in any violation of the Registry's Terms of Acceptable Use and or Nexus Policy and/or end-use.

**Allocation:**

Unless otherwise stated in this statement of policies, the Registry Operator, via the Registry Service Provider, will allocate a Domain Name if:

- the Domain Name Label meets the requirements set out below;
- the Domain Name Label and the information contained in the Registrar's request meet the requirements in the Registrar Terms and Conditions; and
- the Domain Name Label is available.

**Domain Name Label Requirements:**

Registry Operator, via Registry Service Provider, will not accept a Landrush Application unless the applied-for Domain Name meets the applicable requirements as defined in RFC 1035 and RFC 1123, including the following technical and syntax requirements. The Domain Name Label must:

- if ASCII, consist exclusively of the letters A-Z (case insensitive), the numbers 0-9, and hyphens;
- if non-ASCII (e.g., IDN), consist of language scripts offered by the Registry (as specified on the Registry Website);
- not begin or end with a hyphen;
- not exceed 63 characters;
- contain at least one character; and
- not contain two consecutive hyphens following "xn", except where two consecutive hyphens (--) are used in the 3rd and 4th positions, when preceded by "xn" and followed by a label that corresponds with an IDN containing character codes.

**Landrush Applicant Notification:**

Notification to Landrush applicants will be as follows:

- Registry Operator will notify the Registrar who sponsors a Landrush Application upon allocation of the Domain Name consistent with an uncontested Landrush Registration and allocation of the Domain Name after the completion of an auction process after the close of the Landrush Period;
- Registry Operator may notify the TMCH of successful Landrush Applications once the corresponding Landrush Registration has been made;
- Registry Operator may also publish all or any portion of a Landrush Application online (e.g., Whois)

**The Registry's Rights:**

The Registry Operator shall be entitled, but not obligated, to reject a Landrush Application or to delete, revoke, cancel, suspend or transfer a Landrush Registration:

- to enforce Registry policies and ICANN Requirements, each as amended from time to time;
- that is not accompanied by complete and accurate information, or where required, information is not updated or corrected, as required by ICANN Requirements or Registry policies;
- to protect the integrity and stability of the operation or management of the Registry;
- to comply with applicable laws, regulations, policies or any holding, order, or decision by a competent court or administrative authority, or any dispute resolution service provider the Registry may retain to oversee the arbitration and mediation of disputes;
- to establish, assert, or defend the legal rights of the Registry or a third party, or to avoid any actual or potential civil or criminal liability on the part of or damage to the Registry or its affiliates, subsidiaries, contracted parties, officers, directors, representatives, employees, contractors, and stockholders;
- to correct mistakes made by the Registry or any Registrar in connection with a Landrush Registration;
- as otherwise provided in the Registrar terms and conditions or Registry-Registrar agreement.

## **.WhosWho Launch Schedule**

The following provides the schedule of dates for the Start Date Sunrise, Limited Registration Landrush, Trademark Claims and start of General Availability periods that will be implemented in launching the .WhosWho TLD.

### **.WhosWho Launch Schedule**

<b><u>Phase</u></b>	<b><u>Duration</u></b>	<b><u>Claims Period</u></b>	<b><u>Start Date</u></b>	<b><u>Start Time UTC</u></b>	<b><u>End Date</u></b>	<b><u>End Time UTC</u></b>
Sunrise	30 days	No	17 Nov 2014	15:00:01	17 Dec 2014	15:00:00
Limited Registration Landrush	61 days	No	18 Dec 2014	15:00:01	17 Feb 2015	15:00:00
Trademark Claims	218 days	Yes	18 Feb 2015	15:00:01	24 Sep 2015	15:00:00
General Availability	n/a	Yes	2 March 2015	15:00:01	n/a	n/a