



## **.Qpon Launch Policies**

### **INTRODUCTION**

This Plan has been developed to describe the Launch Program for the .QPON Top Level Domain ("TLD") by dotCOOL, Inc. ("Registry Operator").

The Launch Program will consist of a number of different periods, each of which is described in this document. Specific information and requirements for those wishing to participate in the launch of the TLD, are detailed in relation to each of those periods.

The Sunrise Period 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 in accordance with the plan and policy 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>.

This document forms the complete plan, policy and process 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 matched 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.



## Purpose

The purpose of this plan is to describe our Launch Program for the TLD. This Launch Program has been designed such that it facilitates a fair, orderly and equitable introduction for the TLD while granting priority to certain rights holders. Additionally, it will act as a deterrent to abusive and bad faith registrations.

This document defines the implemented Launch Program by describing, amongst other things:

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

This plan applies to persons or entities submitting an Application and Registrars.

## 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 this plan, 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 under this Plan.

**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.top"].

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

**Eligible for Allocation** means a domain name that Registry Operator may assign, designate or otherwise earmark to an Applicant following technical substantiation.

**General Availability** means 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.

**General Registration** means the point in time after the conclusion of the Sunrise Period in which domain names are generally available for registration by all interested parties that are qualified to register domain names in the TLD.

**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 November 14, 2013.

**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 authorized by ICANN to offer the TLD in Spanish.



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

**Launch Program** means the Sunrise Period described in this document but does not include General Availability.

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

**Respondent** is the applicant or registrant of the domain name(s), or the DPML account holder subject to a complaint under this 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 .QPON Top Level Domain owned and operated by dotCOOL, Inc.

**Registry Website** refers to [www.nic.qpon](http://www.nic.qpon) 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 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 under this Plan is the National Arbitration Forum ("NAF") and their applicable policies are located is <http://adrforum.com>, and 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 in this Plan.

**Sunrise Eligibility Requirements** means the requirements outlined in this Plan 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 General Availability.

**TLD** means Top Level Domain and for the purpose of this Plan the TLD shall be .QPON.

**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>).

**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 holders of marks 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 dotCOOL, Inc. as the .QPON Registry Operator or our designated



representatives.



## Launch Schedule

The following is a brief overview of each of the periods that will be implemented in launching the TLD.

These periods are described in greater detail in the relevant sections of this document. This Plan is not applicable to General Availability.

.QPON Launch Schedule						
Phase	Duration	Claims Period	Start Date	Start Time UTC	End Date	End Time UTC
Sunrise	30 days	No	April 2, 2014	15:01:00	May 2, 2014	15:00:00
Sunrise Quiet Period	3 days	No	May 2, 2014	15:00:01	May 5, 2014	15:00:00
General Availability	n/a	Yes	May 6, 2014	15:01:00	n/a	n/a



## Sunrise Period

### Scope and Timing:

The .Qpon Registry Operator will offer a thirty (30) day "Start Date" Sunrise Period, as a rights protection mechanism for mark holders. 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 to trademark holders after the Sunrise Period based on a first-come first-served model.

### Application Process:

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 for which a valid Sunrise Application has 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, will be allocated to the Applicant following the close of Sunrise.

If more than one Sunrise Application for the same Domain Name meets the eligibility criteria described herein, the Sunrise Application with the earliest timestamp, as determined by the Registry Operator, shall be awarded the Domain Name.





### **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 February 29, in which case it will expire on March 1.

### **Processing Sunrise Registrations:**

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.

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.

### **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. The Sunrise Applicant must submit a valid SMD File along with its Sunrise

### **Allocation:**

Unless otherwise stated in this Overview, 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;
- The Domain Name Label is available; and
- The Registrar is in good standing with the Registry.

#### **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;
- contains at least one character; and
- not contain hyphens, except where two consecutive hyphens (-) are used in the 3<sup>rd</sup> and 4<sup>th</sup> positions, when preceded by “xn” and followed by a label that corresponds with an IDN containing characters referred to in Subsection (b) above.

#### **Second Level Domain (“SLD”) Name Collision Blocked Domains:**

Applications will be accepted for domain names appearing on ICANN’s SLD Name Collision 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 unless and until such time ICANN removes such prohibitions.

#### **Sunrise Applicant Notification:**

Notification to Sunrise applicants will be as follows:

- At the end of Sunrise, the Registry Operator will notify Registrars who sponsored a Sunrise Application of applicable Sunrise Registration allocations.
- In the event two or more Sunrise Applications are received for the same Domain Name the Registry will notify the Registrar(s) who sponsored such Sunrise Applications and advise them of which domain name was received first.
- The Registry Operator may notify the TMCH of successful Sunrise Applications once the corresponding Sunrise Registration has been made.
- The Registry Operator may also publish all or any portion of a pending Sunrise Application online (e.g., via WHOIS).



### **The Registry's Rights regarding Sunrise Applications:**

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.



### **General Availability Period Policies**

General Availability will begin on the first day that domain names become available after the Sunrise Period ends and continue indefinitely. During General Availability, domain names will be registered on a first come-first served basis. In order to determine which potential registrant is the first registrant, the timestamp in the registry system shall be used, to the exclusion of all other time stamps.