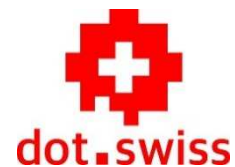




Schweizerische Eidgenossenschaft  
Confédération suisse  
Confederazione Svizzera  
Confederaziun svizra

Swiss Confederation

**Federal Office of Communications OFCOM**



.swiss/SDRP

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## **.swiss Sunrise Dispute Resolution Policy**

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# 1 Purpose

This Sunrise Dispute Resolution Policy (the “**SDRP**”) established by the Swiss Confederation (the “**Registry**”) is incorporated by reference into the .swiss Launch Policy. A SDRP complaint may be filed against a .swiss domain name allocated or declined during the .swiss Sunrise Period (the “**Sunrise Period**”).

This SDRP describes the process and standards that will be applied to resolve complaints alleging that a domain name has been allocated or declined to be allocated in the .swiss TLD Sunrise Period in violation of the Registry’s **Sunrise Eligibility Requirements**.

This SDRP will not be applied to Registry-reserved names in the .swiss TLD or to domain names registered under the any other Launch category, namely the Public Administrations and the Other Prior Rights Limited Registration Periods.

## 2 Applicable Disputes

A .swiss domain name allocated or denied allocation in the Sunrise Period will be subject to this SDRP upon submission of a complaint alleging that the allocation or allocation denial was improper.

### 2.1 Improper Sunrise Allocation

A complaint under this section shall be required to show by reasonable evidence that a .swiss domain name allocated in the .swiss TLD does not comply with the Sunrise Eligibility Requirements. Specifically, the complaint must prove one or more of the following elements:

- a. At the time the challenged domain name was allocated, the registrant did not hold a valid trademark;
- b. The domain name does not match the trademark record on which the registrant based its Sunrise allocation;
- c. At the time the challenged domain name was allocated the SMD on which the registrant based its Sunrise allocation was not valid (e.g. it was expired).

### 2.2 Improper denial of Sunrise Allocation

- a. A complaint under this section shall be required to show reasonable evidence that the Registry failed to allocate a .swiss domain name that was applied for in compliance with the Sunrise Eligibility Requirements.
- b. In addition, to pursue the remedies set forth in Section 3.2 (a) and (b) below, the complainant **MUST** notify the Registry within the ten (10) calendar days following the Registry’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.

### 2.3 SDRP Effective Dates

Any complaint brought under this SDRP shall be brought no later than forty-five (45) calendar days after end of the 64-day .swiss Sunrise Period.

### 3 Remedies

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

#### 3.1 Improper Sunrise Allocation

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 domain name is found to be improperly allocated during the Sunrise Period, the following remedies will apply:

- a. If the complainant had submitted a valid Sunrise-eligible application for the disputed domain name (either during the 64-day Sunrise Period, or during the subsequent 20-day publication period), the disputed domain name will be registered in favor of the complainant, provided that the complainant is the only existing Sunrise eligible application. If there is more than one eligible Sunrise application for that domain name, the contention resolution process will continue for the remaining Sunrise eligible applications, including that of the complainant;
- b. If the complainant had applied for the disputed domain name under the Public Administration or the Other Prior Rights Limited Registration Periods and the complainant's application had been rejected for being of lower priority in hierarchy than that improperly allocated, the disputed domain name will be allocated following the hierarchy criteria of the .swiss Launch program;
- c. If no other eligible applications had been submitted for the disputed domain name during Sunrise or under any of the Limited Registration Periods, the disputed allocation will be cancelled and it will be returned to the pool of names available for General Registration in the .swiss TLD.

#### 3.2 Improper Denial of Sunrise Allocation

If a complaint is filed under Section 2.2 of this SDRP, any ongoing contention resolution process will be suspended until the dispute is resolved. If the application is found to be improperly denied during the Sunrise Period, the following remedies will apply:

- a. If the disputed domain name has not been allocated yet:
  - 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 (including those submitted during the 20-day publication period following the Sunrise Period), 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 had notified the Registry 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 had notified the Registry in due time of its intention to submit a pursuant to Section 2.2 (b) of this SDRP.**

## 4 Procedure

Complaints submitted with basis on this SDRP will be reviewed through the general Revision Procedure for the allocation .swiss domain names set forth in Section 12.1 of the Registration Policy. Specifically, upon formal request of Revision by the interested party, OFCOM will take a formal decision (ruling), which can be further appealed before the Federal Administrative Court according to the Federal Act on Administrative Procedure (Administrative Procedure Act [APA], CC 172.021; <https://www.admin.ch/opc/en/classified-compilation/19680294/index.html>).