DOT CORSICA Sunrise Dispute Resolution Policy

This Sunrise Dispute Resolution Policy (the "SDRP") is incorporated by reference into the Registration Agreement. This SDRP is effective as of 03 August 2015. An SDRP Complaint may be filed against a domain name registered during the CORSICA TLD during its sunrise period, and until 30 days after the end of the Sunrise Period.

1. Purpose

Domain names in the CORSICA TLD ("the TLD") can be registered by third parties or reserved by the Registry. 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 violation of the Registry's SDRP criteria. This SDRP will not be applied to Registry-reserved names in the TLD and during LRP and Landrush phases.

2. Applicable Disputes

A registered domain name in the TLD will be subject to an administrative proceeding upon submission of a complaint that the Sunrise Registration or denial of a Sunrise registration was improper under one or more of the following criteria.

a. Improper Sunrise Registration-Trademarks[1]

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

   i. at time the challenged domain name was registered, the registrant did not hold a trademark registration of national effect (or regional effect) or the trademark had not been court-validated or protected by statute or treaty;
   ii. the domain name is not identical to the mark on which the registrant based its Sunrise registration;[2]
   iii. the trademark registration on which the registrant based its Sunrise registration is not of national effect (or regional effect) or the trademark had not been court-validated or protected by statute or treaty; or

iv. the trademark registration on which the domain name registrant based its Sunrise registration did not issue on or before the date specified by the Registry in its Sunrise Criteria, if one was specified.

b. Improper Denial of Sunrise Registration

A complaint under this section shall be required to show that the Registry failed to register a domain name that was applied for in compliance with the Sunrise Criteria and/or Allocation Criteria required for the Registry's Sunrise Program.

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.

c. SDRP Effective Dates.

Any SDRP claim brought under this Policy for domain names registered in the CORSICA TLD shall be brought before 30 days after the end of the Sunrise Period.

3. Evidence and Defenses

a. Evidence

The Registry will review the Registry's Sunrise Criteria, allocation requirements, or community-based eligibility requirements which are required to be submitted with the Complaint, as applicable, in making its decision.

b. Defenses

Harmless error. A Respondent may produce evidence to show that, although the sunrise registration 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 registration was applied for and, thus, the registration would have been granted.

4. Remedies

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

a. Improper Sunrise Registration

In the event an SDRP dispute is brought by an auction bidder for the same domain name, the auction 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:

- 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;
- 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;
- If no other eligible applications have been submitted for the disputed domain name during Sunrise or other lower-priority periods of the Dot Corsica Launch Phase, the disputed allocation will be cancelled and it will be returned to the pool of names available for General Registration in the CORSICA TLD.

b. Improper Denial of Sunrise Registration

The remedies for a Complaint filed under SDRP 2(b) shall be limited to setting aside the denial of the sunrise registration, if the domain name has not already been registered by another trademark holder during the sunrise period or a third party during a subsequent period/the landrush. If the Complainant wishes to re-apply to register the domain name, such application may be made to the Registry, or registrar, as applicable.

5. Procedure

a. Complaint

A Complaint under this SDRP shall be submitted by submitting the complaint directly to the Registry in writing with all the evidences to sdrp@nic.corsica.

Pay the applicable fees to the Registry

b. Parties information and defense

The registrant of a registered domain name in the TLD shall be promptly notified by the registry 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 holder of the registered domain name shall not constitute an admission to any allegation of the complaint

c. Decisions

- The Registry will evaluate the protest, its claims and related documents. The Registry may request additional information from the parties (complainant and / or advocate / holder of the disputed domain name in order to make an informed decision).
- The Register will rule on the complaint within ten (10) calendar days after it has received all the information necessary to examine the complaint and inform the parties of its decision by email.
- If a decision requires the change of status of a registered domain name, the Registry will proceed after a delay of ten (10) business days after notice of the decision to all parties concerned.

d. 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.

6. 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.

7. Indemnification / Hold Harmless
The parties shall hold the registrar, the Registry, the Experts harmless from any claim arising from operation of the SDRP. Neither party may name the registrar, the Registry, the Experts as a party or otherwise include the registrar, the Registry, the Experts in any judicial proceeding relating to the dispute or the administration of the SDRP policy. The parties shall indemnify, defend and hold harmless the registrar, the Registry the Experts and their 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, the Experts and their 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.

8. 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.

9. SDRP Modifications
The registry reserves the right to modify this SDRP at any time. Such revised SDRP shall be posted on the Regsitry Website at least thirty (30) calendar days before it becomes effective;[3] 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.