

.сайт (xn--80aswg) Sunrise Dispute Resolution Policy

This Sunrise Dispute Resolution Policy (the “**SDRP**”) established by CORE Association (the “**Registry Operator**”) is incorporated by reference into the .сайт Registration Agreement. A SDRP complaint may be filed against a .сайт domain name allocated or declined during the .сайт TLD sunrise period (the “**Sunrise Period**”).

1. Purpose

This SDRP describes the process and standards that will be applied to resolve challenges alleging that a domain name has been allocated or declined to be allocated in the .сайт TLD (the “**TLD**”) in violation of the Registry Operator’s **Sunrise Eligibility Requirements**. This SDRP will not be applied to Registry-reserved names in the TLD nor to domain names registered following a Limited Registration Period which is part of the Registry Operator’s Launch program.

2. Applicable Disputes

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

a. Improper Sunrise Allocation

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

- i. At time the challenged domain name was allocated, 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; or
- ii. The domain name is not identical to the mark on which the registrant based its Sunrise allocation; or
- iii. 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; or

- iv. The trademark registration on which the domain name registrant based its Sunrise application did not issue on or before 13 June 2013 and was not applied for on or before 13 June 2012; or if it was a trademark protected by a statute or treaty that such statute or treaty was in effect on or before 26 June 2008.

b. Improper Denial of Sunrise Allocation

- i. A complaint under this section shall be required to show reasonable evidence that the Registry Operator failed to allocate a .сайт domain name that was applied for in compliance with the Registry's Sunrise Eligibility Requirements.
- ii. In addition, to pursue the remedies set forth in Section 4b (ii) and (iii) below, the complainant **MUST** notify the Registry Operator 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.

c. SDRP Effective Dates

Any claim brought under this SDRP for .сайт domain names shall be brought no later than forty-five (45) calendar days after end of the Sunrise Period.

3. Evidence and Defenses

a. Evidence

Panelist will review the Registry's Sunrise 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 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.

4. Remedies

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

a. Improper Sunrise Allocation

If a complaint is filed under Section 2(a) of this SDRP, any ongoing auction process will be suspended until the dispute is resolved. If the Panelist finds that the domain name was improperly allocated during the Sunrise Period, the following remedies will apply:

- i. if the complainant had applied for the disputed domain name during the Sunrise Period and the complainant's application fulfils all the Sunrise Eligibility Requirements, the disputed domain name will be registered in favour 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 auction process will continue for the remaining Sunrise eligible applications, including that of the complainant.
- ii. if the complainant had applied for the disputed domain name with basis on a lower priority right (e.g. during a Limited Registration Period) 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 Registry Operator's Launch program;
- iii. if no other eligible applications had been submitted for the disputed domain name during Sunrise or other lower-priority Periods of the Registry Operator's Launch Phase, the disputed allocation will be cancelled and it will be returned to the pool of names generally available for registration in the TLD.

b. Improper Denial of Sunrise Allocation

If a complaint is filed under Section 2(b) of this SDRP, any ongoing auction process will be suspended until the dispute is resolved. If the Panelist finds that the application was improperly denied during the Sunrise Period, the following remedies will apply:

- i. If the disputed domain name has not been allocated yet:
 1. it will be registered in favour of the complainant, provided that the complainant is the only existing Sunrise eligible application; or
 2. If there is more than one eligible Sunrise application for that domain name, the auction process will begin or continue for the remaining Sunrise eligible applications, including that of the complainant.
- ii. If the disputed domain name has already been allocated in favour of a third party that fulfilled the Sunrise Eligibility Requirements, the domain name will go on **contention, provided that the complainant had notified the Registry**

Operator in due time of its intention to submit a challenge, in accordance with Section 2(b)ii of this SDRP.

- iii. If the disputed domain name has already been allocated in favour of a third party with an inferior right than that of the claimant, the domain name will be registered in favour of the complainant **provided that the complainant had notified the Registry Operator in due time of its intention to submit a challenge, in accordance with Section 2(b)ii of this SDRP.**

5. Procedure

a. Dispute Resolution Provider / Selection of Procedure

A complaint under this SDRP shall be submitted to the National Arbitration Forum (“**Forum**”) by submitting the complaint directly to the Forum. The Forum will administer the proceeding and select a qualified and eligible Panelist (“**Panelist**”). The Forum has established Rules for National Arbitration Forum’s Sunrise Dispute Resolution Policy (“**Rules**”), setting forth a fee schedule and other technical and process requirements for handling a dispute under this SDRP. The proceedings under this SDRP will be conducted according to this SDRP and the applicable Rules of the Forum.

b. Registry’s or Registrar’s Involvement

Neither the Registry Operator nor registrar will participate in the administration or conduct of any proceeding before a Panelist. In any event, neither the Registry Operator nor the registrar is or will be liable as a result of any decisions rendered by the Panelist. Any Sunrise-allocated domain names in the TLD involved in a SDRP proceeding will be locked against transfer to another domain name holder or another registrar during the course of a proceeding. In the case of a claim under SDRP 2(b), the Registry Operator will prevent other parties from registering the unregistered domain name at issue until a decision is reached, provided that **the complainant had notified the Registry Operator in due time of its intention to submit a challenge, in accordance with Section 2(b)ii SDRP.** The contact details of the applicant or holder of the disputed domain name will be as shown in the registrar’s publicly available Whois database record for the relevant registrant. The Registry Operator and the applicable registrar will comply with any Panelist decision and make all appropriate changes to the status of the domain name registration(s) in their Whois databases.

c. Parties

The applicant or registrant of a disputed domain name in the TLD shall be promptly notified by the Forum 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. The Forum shall promptly notify all named parties in the dispute, as well as the registrar and the Registry Operator of any decision made by a Panelist.

d. Decisions

- i. The Panelist may state the basis on which the decision is issued in summary format and may include such commentary or guidance as the Panelist deems appropriate;
- ii. The decision shall state whether the remedies sought under 4 above are granted or denied; and
- iii. Decisions made under this SDRP will be publicly published by the Forum on its website.

e. Implementation of the Decision

If a Panelist decision requires a change to the status of a registered domain name, the Registry Operator will wait ten (10) business days after communication of the decision before implementing that decision, unless the registrant submits to the Registry (with a copy to the Forum) during that ten (10) day period official documentation (such as a copy of a complaint, file-stamped by the clerk of the court) that the registrant has commenced a lawsuit to preserve its claimed rights in a court of competent jurisdiction over the parties and the registered domain name. If such documentation is received no further action shall be taken until the Registry Operator receives (i) evidence satisfactory to the Registry Operator of an agreed resolution between the parties; (ii) evidence satisfactory to Registry Operator that registrant's lawsuit has been dismissed or withdrawn; or (iii) a copy of an order from such court dismissing such lawsuit or otherwise directing disposition of the registered domain name.

f. 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

The parties shall hold the registrar, the Registry Operator, the Forum, and the Panelist harmless from any claim arising from operation of the SDRP. Neither party may name the registrar, the Registry Operator, the Forum, or the Panelist as a party or otherwise include the registrar, the Registry, the Forum, or the Panelist 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 Operator, the Forum, the Panelist 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 Operator, the Forum, the Panelist 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 other mandatory dispute policies adopted by ICANN and/or the Registry Operator.

9. Effect of Other Proceedings

The administrative proceeding under the SDRP shall not prevent either party from submitting a dispute concerning the disputed domain name in the TLD to concurrent administrative proceedings or to a court of competent jurisdiction for independent resolution during a pending SDRP administrative proceeding or after such proceeding is concluded. Upon notice of such other proceeding, the SDRP proceeding may be terminated (in the sole discretion of the Panelist) in deference to the outcome of such other proceeding.

10. SDRP Modifications

The Registry Operator and the Forum reserves the right to modify this SDRP at any time subject to the terms of its MoU with the Registry. Such revised SDRP shall be posted on the Forum Website 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.