# Launch Program Policy for TLD .koeln for the TLD .koeln

## I.    Purpose of this Document

The purpose of this document is to describe our Launch Program Policy for the Top Level Domain (further "TLD") .koeln.

This Launch Program for .koeln was designed to facilitate a fair, orderly and equitable introduction for this specific TLD, whilst giving priority to certain rights holders. Additionally, it will act as a deterrent to abusive and bad faith registrations.

The launch policy describes, amongst other things:
- The terms by which eligible parties may submit an application during the Launch Program; and
- The manner, in which their applications will be processed, validated and allocated.

This policy applies to:
- Persons or entities submitting an application; and
- Registrars and their resellers.

## II.    Introduction

The Launch Program for the TLD .koeln was designed to:
- Provide protections to the entities described in this policy;
- Comply with ICANN's requirements for the TLD;
- Prioritize certain applications for domain names.

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

    a.    Background to the launch program

ICANN requires that NetCologne, in the management of the TLD .koeln, implements certain Rights Protection Mechanisms (often referred to as RPMs) to prevent registration of domain names that violate or abuse another party's legal rights.

Rights Protection Mechanisms do exist in different forms dependant on the stage or period of operation of the TLD. They either exist for a defined period of time, whilst others may subsist or become active as a result of certain conditions.

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.


   b.    Rights Protection Mechanisms and the Trademark Clearinghouse

ICANN has appointed the TMCH Sunrise and Claims Operator(s) to establish and to operate the Trademark Clearinghouse. Information about the Trademark Clearinghouse and the TMCH Sunrise and Claims Operator can be found at the following link http://trademark-clearinghouse.com/ .

NetCologne's implementation of the Service has been integrated and tested with the TMCH Sunrise and Claims Operator.

Where applicable our role is to verify the information provided by a Registrar with the information contained in the Trademark Clearinghouse. As a Registry, we do not make any decisions about the validity or use of a mark or its inclusion in the Trademark Clearinghouse ourselves.


## III.    The Launch Program overview

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 correspondent sections of this document.

| | Commencement Date/ Time | Claims Period | Duration in Calendar Days | Conclusion Date/ Time | Description |
|---|---|---|---|---|---|
| Sunrise Period | 12.06.2014 \| 00:00 CEST | no | 32 | 13.07.2014 \| 23:59 CEST | The Sunrise Period allows anyone registered in the Trademark Clearinghouse as a trademark rights holder and presenting a valid SMD file a preferential registration of Domain Names formed from the mark designation. |
| Limited Registration Period | 14.07.2014 \| 00:00 CEST | no | 30 | 12.08.2014 \| 23:59 CEST | This period allows (i) the City of Cologne priority registration - as holder of all rights and title in the TLD designation ".koeln" - or for other public bodies, in particular for the City's subordinate bodies and self-regulatory professional organisations and chambers ("Reserved Domain Names") and (ii) (future) Domain Holders priority registration of Domain Names if they can demonstrate a special bond to the City of Cologne. |
| Landrush Period | 26.08.2014 \| 11:11 CEST | yes | 10 | 05.09.2014 \| 11:10 CEST | The Landrush Period is the first registration period, in which no special eligibility requirements for (future) Domain Holders apply. Special interest in a specific domain will be demonstrated by paying a increased initial registration fee. |
| General Availibility | 05.09.2014 \| 11:11 UTC | yes | ongoing | ongoing | Upon completion of all preceeding registration periods, remaining Domain Names are generally available for registration throughout the availability of the TLD at the regular price. As of this date, any fully legally competent (future) domain holder may submit domain requests. |

The following illustration shows the timing of the periods:
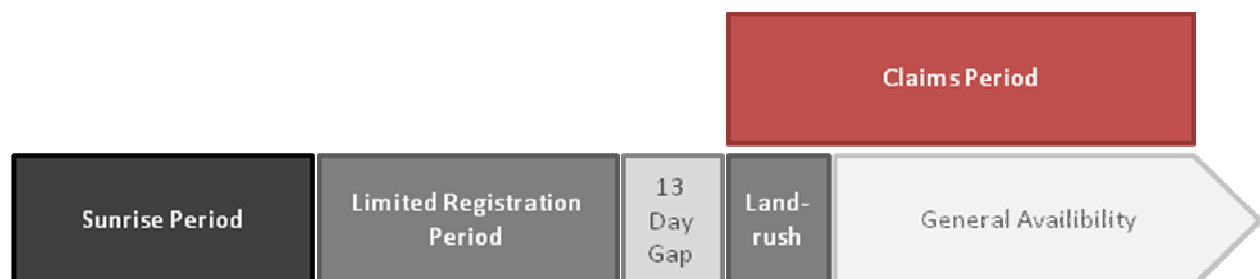
## IV.    Launch program period descriptions

### a.    Pre-Sunrise Activities description

Prior to the start of the Sunrise Period, as described in the Special Registration Policy, Registry may exempt such domain names from registration temporarily or permanently which are in themselves unlawful, e. g. because they contain race baiting slogans ("Exempt domain names")

The list of Exempt domain names will be made available by NetCologne upon request. NetCologne reserves the right to amend the list to remedy previous errors, in case a domain name no longer meets all registration requirements, or if any further domain names have been declared unlawful by a court of law or a government authority.

The Pre-Sunrise Period ends at the beginning of the Sunrise Period.

Exempt domain names are registered only upon completion of a case-by-case review by NetCologne. NetCologne shall not be legally obliged to register any specific domain name. domain names contained in the list of Exempt domain names will be registered by NetCologne only if the chosen domain name is evidently lawful and was erroneously listed as an Exempt domain name, if the evidently lawful due to a change of law, or if it expressly declared lawful by court ruling. The Trademark Claims Service applies to all registration of exempt domain names.

Domain requests for exempt domain names may only be submitted by accredited registrars eligible to submit Sunrise Registrations in the TLD.

### b.    Sunrise Period description

The Sunrise Period allows anyone registered in the Trademark Clearinghouse as a trademark rights holder a preferential registration of domain names formed from the mark designation.

During the Sunrise Period, domain names can only be registered in favor of mark rights holders registered in the Trademark Clearinghouse. The (future) domain holder must therefore match the information of the mark rights holder registered in the Trademark Clearinghouse exactly and without any doubt.

### i.    Special requirements

In addition to the requirements set forth in the General Registration Policy, domain requests during the Sunrise Period must also meet the following requirements:

Registration in the Trademark Clearinghouse

- The trademark from which the selected domain name is formed must be registered in the Trademark Clearinghouse (www.trademark-clearinghouse.com) in favor of the (future) domain holder.
- Upon registration of a domain name, the (future) domain holder must submit a valid "Signed Mark Data" (SMD) file as evidence of registration in the Trademark Clearinghouse. This SMD file is provided to NetCologne automatically by the Trademark Clearinghouse and contains all necessary information for review of the Sunrise Registration. This includes the trademark designation, information of the holder of rights to the mark and the "labels" formed from the trademark. No Sunrise Registration may be requested without submitting an SMD file.

Exact match to a formed label

- The selected domain name must be an exact match to a "Label" formed by the Trademark Clearinghouse from the mark designation and contained in the SMD data.

Regulations for ß and "Umlaut"

- If the selected domain name contains one or more "ß" or "Umlaut" characters, it is mandatory to select the equivalent domain name in the Sunrise Period that matches a label exactly.

ii.  Duration of the Sunrise Period

The Sunrise Period begins on June 12 2014 at 00:00:00 CEST (Central European Summer Time) and lasts for thirty two (32) days. It thus ends on July 13 2014 at 23:59:59 CEST.

NetCologne is entitled, however not obliged, to extend the term of the Sunrise Period, even whilst this period is running, whereas the term of the Sunrise Period may not be shortened. NetCologne shall inform ICANN and the Trademark Clearinghouse of any extension of the Sunrise Period at least four days prior the extension starts. NetCologne shall also notify the registrars of an extension to the Sunrise Period in a timely manner.

If the Sunrise Period is extended, all the following registration periods are postponed accordingly.

iii.  Sunrise Registration Process

During the sunrise phase, applications for domains are received which are identical with marks validated by the Trademark Clearinghouse. The domains are allocated on the "first come, first served" principle.

Applicants who have validated their mark successfully with the Trademark Clearinghouse are obliged to forward the corresponding SMD file to the registrar for review of successful validation at the Trademark Clearinghouse. If the applicant meets the further requirements of the registry, and if the validated mark and the desired domain are identical, this concludes the application.

Applications relating to .koeln domains where there is no identical
match must be rejected. The registry notes that the identical matches have been generated by the Trademark
Clearinghouse, so that the registry has no influence on whether the domain requested by the applicant is identical
with their mark validated by the Trademark Clearinghouse. The validation guidelines of the Trademark Clearinghouse
apply, and are available at www.trademark-clearinghouse.org.

   iv.   When will a Sunrise Period operate for the TLD?

The Sunrise Period will be in effect from the date so described in the Launch Program overview.

   c.   Limited Registration Period description

      i.   Aim of the Limited Registration Period

The Sunrise Period is directly followed by the "Limited Registration Period". This period allows
- The City of Cologne priority registration – as holder of all rights and title in the TLD designation ".koeln" – or for other public bodies, in particular for the City's subordinate bodies and self-regulatory professional organizations and chambers ("Reserved domain names") and
- (Future) domain holders priority registration of domain names if they can demonstrate a special bond to the City of Cologne.

The .koeln TLD contains an imminent geographic reference to the City of Cologne. The City of Cologne, as the public law body holding all rights to the designation "Köln", has supported NetCologne's application to operate the Registry for the .koeln TLD. As a TLD with a geographic reference ("geoTLD"), NetCologne feels obliged to continue on this geographic bond also in the registration of Second Level Domains.

For this reason, this Limited Registration Period is aimed at all types of associations and other societies of individuals listed below, which demonstrate a strong bond to the City of Cologne and its neighbourhoods ("Veedel"), its history and tradition, its customs and the Rhenish culture, its institutions and associations, its art and music, or to the region in general. These (future) domain holders specifically listed below do not need to be registered in the Trademark Clearinghouse during the Limited Registration Period, they may make their claim to a domain name on their designation and right of publicity instead of a mark and may, in addition to their designation, also choose to register as a domain name any deviating designations commonly used, nicknames or abbreviations. Special attention shall be paid designations or parts thereof, which match the TLD string.

The Limited Registration Period is thus not aimed solely at the people of Cologne, but also at all eligible (future) domain holders across the world able to demonstrate a strong bond to this region.

ii. Eligibility

In the Limited Registration Period, domain names may only be registered in favor of the following classes of (future) domain holders:

- The City of Cologne – as holder of all rights and title in the TLD designation ".koeln" – or other public bodies, in particular the City's subordinate bodies and self-regulatory professional organizations and chambers
- Associations (registered associations, associations formed under pre-constitutional law, incorporated commercial associations), non-incorporated associations and other societies of individuals who operate under a collective name,
- Trade unions,
- Political parties,
- Public law bodies, churches recognized under public law, institutions and trusts established under public law.

Legal representative or agents must provide suitable evidence of power of attorney, if domain names are to be registered in his favor and not that of the legal entity.

iii. Special Requirements

Preferential registration of domain names in the Limited Registration Period is governed not only by the general requirements, but also by the following special requirements:

Reserved domain names

Reserved domain names may only be registered in favor of the body entitled to use the designation concerned. All Reserved domain names that are not registered in favor of the body entitled to use the designation concerned remain exempt from registration, unless the entitled body is dissolved or expressly waives its right to register the Reserved domain name by notice to Registry.

Distinctive name

Name or designation of the (future) domain holder must be the characteristic part of the chosen domain name. The domain name must be distinguishable because of its composition vis-à-vis the same category of (future) domain holders. Generic terms, group designations and collective terms may only be used as a subordinate, descriptive component of the domain name. Exclusively or predominantly generic terms, group designations and collective terms cannot be registered as domain names in the Limited Registration Period.

- For example, distinguishably composed domain names, such as photo-schmitz.koeln or bakery-backes.koeln, would be qualified, but photos.koeln or bakery.koeln would not be.
- As an exception, a generic term would qualify as a domain name, if its characteristic designation is identical to the TLD string under the following regulations.

<u>Geographic Reference</u>

In addition to the distinctive name component, a special regional bond to the .koeln TLD must be demonstrated for every domain request in the Limited Registration Period. This special regional bond to the .koeln TLD of the domain request may be based either on a special regional bond of the selected domain name or on a special regional bond of the (future) domain holder.

Such a special regional bond of the domain request may be shown by providing evidence of:

- A place of residence or business, or business premises in the Administrative District of Cologne,
- A special connection of the domain name to the City of Cologne and its neighborhoods ("Veedel"), its history and tradition, its customs and Rhenish culture, its institutions and associations, its art and music, or to the Cologne region.

Evidence of a place of residence or business, or business premises in the Administrative District of Cologne may be given by

- (Electronic) submission of suitable documents, e.g. excerpt from a public register (register of residents, register of associations, trade register, register of qualified craftsmen, etc.), which is not older than 12 months and which shows at least the post code of the (future) domain holder,
- Verification of the postal address by the registrar using typically used procedures, e.g. matching with the credit card address, successful deliveries in the past, Post-Ident verification.

Evidence of a domain name's special regional bond to .koeln TLD may be given by

- (Electronic) submission of at least two (2) publicly accessible documents not older than ten (10) years, published by independent third parties, e.g. press articles, which mention the special bond of the domain name to the .koeln TLD, or
- (Electronic) submission of at least two (2) printed documents which were distributed to members of (future) domain holder at least one (1) year ago, at most ten (10) years ago, e.g. members' paper or magazine, programme pamphlet, which show without doubt the special regional bond of the domain name to the .koeln TLD.

If the chose domain name is not equal to (registered) name or designation of the (future) domain holder, evidence given must also show that

- The chosen domain name is commonly used and/or a trade designation, nickname, acronym or other abbreviation of the (future) domain holder.
- This is intended in particular to allow traditional associations to register their commonly used name instead of or in addition to "official" names as a domain name. For example, Cologne carnical association "Kölsche Funke rut-wieß vun 1823" are commonly known only as "Rote Funken" and may therefore select this designation as a domain name in the Limited Registration Period.

iv. Incorporation of TLD string in the designation

The TLD string .koeln may be used as a name component of the chosen domain name. Any (future) domain holder whose name or designation contains "köln", "kölsch", "kölnisch", "cöln", "cölsch", "cölnisch", including their equivalent

characters (ö = oe), their plurals or a declination ("kölsches", "kölschen") may replace this name component by the TLD string .koeln. It is, however, necessary that the evidence given extends to the name component "köln" or one of the aforementioned variants.

Within this substitution, the TLD string has the same value as any other name component and shall be equally considered towards the distinctiveness of the name or designation.

Based on this exception, certain domain names may be requested in the Limited Registration Period, which would not be distinctive enough without incorporation of the TLD string, e.g. erster-fc.koeln, lichter.koeln, kunstverein.koeln or arcaden.koeln.

v. Duration

The Limited Registration period begins on July 14 2014 at 00:00:00 hrs CEST and lasts thirty (30) days. It therefore ends on August 12 2014 at 23:59:59 hrs CEST.

vi. Limited Registration process

No domain names requested in the Limited Registration Period shall be registered until after review at the end of the Sunrise Period, and pursuant to ICANN specifications, in any case no earlier than completion of all Sunrise Registrations.

On April 15 2014 the registry will publish an application form on its website www.punktkoeln.de where all eligible beneficiaries will be able to apply for a domain name under the conditions given above. The following data will have to be submitted:

- Domain name applied for
- Notification in the register of associations via PDF or online
- Name of the association
- Street
- Number
- Zip code
- City
- Phone number
- Fax number
- Email address
- Personalized technical contact
- Personalized administrative contact
- Email address of the administrative contact
- Name of the chairman of the association
- Checkbox to certify that the supplier of this form has the permission to represent the association.

After submitting the form the system will automatically assign a time stamp which may be used as a reference for prioritization under our first come first served policy, if necessary.

All data will be stored in a separate database at the registry. The data and documents will only be used and stored for this purpose.

Following the examination of an application within one working day NetCologne will enter the domains into the registry operating system manually. During the Limited Registration Period the annual costs for the registrar and for the applicant will be set to Euro 00.00,-. This price will be granted for a period of three (3) years, after which the annual price of the domain will be the registry's standard price.

After manually entering the applied-for domain name into the registry system, the technical data (owner, admin etc.) will at first be NetCologne's own data.

During the Limited Registration Period an association may order its pre-registered domain through any authorized registrar. The domain than will be transmitted by NetCologne to the requesting registrar. Only then the domain can be used by registrants. In EPP and in the Control Panel this transaction technically will trigger a *create* command, which will delete the domain from the NetCologne records and create a new one with the applicant's data at the registrar.

To ensure transaction safety, at least 24 hours must elapse between entering the applied for domain name into the Limited Registration Period Database and ordering the domain through a registrar. Thus, the database will be shut down on August 10 2014 23:59:59..

> vii.   Trademark Claims service

The Trademark Claims Service applies to all registrations in Limited Registration Period.

> viii.   Dispute Resolution mechanisms

In the Limited Registration Period only those dispute resolution mechanisms prescribed for all registration periods shall apply.

> d.   Post-processing phase

> i.   Object

The Limited Registration Phase is directly followed by a post-processing phase, in which no new domain requests can be submitted.

        ii.   Duration

The post-processing period will take thirteen (13) days. It therefore begins on August 13 2014 at 00:00:00 hrs CEST and ends on August 25 2014 at 23:59:59 hrs CEST.

        e.   Landrush period

        i.   Object

With the beginning of the Landrush Period, the special requirements of previous registration periods regarding proof of eligibility or limitations of qualified domain name no longer apply.

In the Landrush Period, any domain name within the character set restrictions may be chosen, unless the chosen domain name is equal or equivalent to an excluded or reserved domain names.

In particular, generic terms, group names and collective names may first be registered in Landrush Period.

Fees payable for initial registration of a domain name in the Landrush Period changes every twenty four (24) hours as set forth below.

        ii.   Eligible (future) domain holders

The Landrush Period is the first registration period, in which no special eligibility requirements for (future) domain holders apply.

        iii.   Duration

The Landrush Period lasts for 10 days. It begins on August 26 2014 at 11:11:00 hrs CEST and ends on September 05 2014 at 11:10:59 hrs CEST. The schedule was changed from the usually chosen 0:00:00 hrs CEST starting time to allow (future) domain holder particularly in Europe to register domain names during normal office hours directly after a fee change.

Every twenty four (24) hours, i.e. at 11:11:00 hrs CEST, the fee due for initial registration of one (1) domain name changes as set forth below.

        iv.   Fee for initial registration

In the Landrush Period, NetCologne charges an initial registration fee for one (1) domain name for one (1) year (after the initial registration, regular prices apply to renewals) successively in the amounts as follows:

Day 1: € 100,000
Day 2: € 50,000
Day 3: € 25,000
Day 4: € 10,000
Day 5: € 2,500
Day 6: € 1,000
Day 7: € 500
Day 8: € 250
Day 9: € 100
Day 10: € 50

v. Landrush Period procedure

All domain requests received in Landrush Period are marked with a unique time stamp upon receipt by the registry system and the registrar is notified by registry system of receipt of the domain request.

If all general requirements for domain requests are met, the requested domain name is registered in real-time or virtually real-time. Registrar receives confirmation of registration from the registry system.

If the selected domain name is identical to an excluded or reserved domain name, NetCologne shall review whether the domain name can be registered nonetheless. NetCologne then notifies registrar whether the domain name is registered or the request denied.

The Trademark Claims Service applies to all registrations in Limited Registration Period. If the selected domain name is identical to a label of a mark registered in Trademark Clearinghouse, the (future) domain holder must first expressly confirm the domain request before it is submitted to the registry system.

domain names are registered in order of receipt ("First Come, First Served"). Registrars are automatically informed about the registration of a domain name (or its rejection) by the registry system.

vi. General Availability

General Availability of domain names shall follow immediately after the Landrush Period. It begins on September 05 2014 at 11:11:00 hrs CEST.

Upon completion of all preceding restricted registration periods (Pre-Sunrise, Sunrise, Limited Registration and Landrush), remaining domain names are generally available for registration throughout the availability of the TLD. As of this date, any fully legally competent (future) domain holder may submit domain requests. Domain requests must be submitted to registrars accredited for the TLD. All registrations of domain names shall be performed in accordance with this General Registration policy.

f. Claims period overview

      i. What is a claims period?

In order to meet ICANN's requirements, Claims Periods will operate at certain stages during NetCologne's Launch Program for the TLD .koeln.

Throughout the time when a Claims Period operates, during the process of making an Application for a domain name, the Applicant will be notified (via a Claims Notice) if the applied for Label is a Trademark Match to a Trademark Record in the Trademark Clearinghouse. Where that Label is allocated, the Trademark Holder with the corresponding Trademark Record will be notified of such by the TMCH Sunrise and Claims Operator.

      ii. How does a claims period operate?

The Claims Notice forms part of the process of submitting an application for a domain name, and the applicant for the domain name will be required to acknowledge the information contained within the Claims Notice before processing the application.

      iii. When will a claims period operate for the TLD?

The Claims Period will be in effect during:
- The entire duration of the Limited Registration Period described in this document; and
- The entire duration of the Landrush Period described in this document; and
- The first 90 calendar days after the commencement of General Availability.

The Claims Period will be in effect from the date so described in 'The launch program overview' (page 5).

      iv. Notice and duration

Once commenced, NetCologne may extend the duration of the Claims Period. If the Claims Period is extended, NetCologne will provide such notice on the registry's website www.dotkoeln.de and via any other means that seem appropriate.

## V.  Basic requirements of an application

Domain requests for domain names in the ".koeln" TLD may only be addressed to accredited registrars. A separate request is required for each domain name. The registry shall make available a list of accredited registrars on its website www.dotkoeln.de  The registry provides its services to all accredited registrars without discrimination, i. e. all accredited registrars have equal opportunities to register and manage domain names.

The Domain Contract is made between the accredited registrar and the (future) domain holder.

a. Obstacles to registration

A domain request will be denied if:

- An exempt domain name is chosen without providing sufficient evidence with regard to all applicable registration requirements,
- A reserved domain name is chosen without providing sufficient evidence of the right to use the chosen designation,
- The selected domain name contains any characters other than the permitted characters,
- It was not submitted to registry by a registrar accredited for the TLD, or if it is evident that no domain contract for the domain name was concluded with any registrar accredited for the TLD,
- Personal data provided by the future domain holder is evidently incorrect or not all minimum required data was provided,
- Not all registration requirements as set forth in this General Registration Policy or in the Special Registraion Policy are met or no satisfactory evidence for any of the requirements is provided,
- The chosen domain name or an equivalent domain name is already registered in favor of another domain holder,
- A domain name transfer is requested for a domain name that is subject to a dispute, hold or blocking restriction, and the requesting future domain holder, and the future domain holder is not the beneficiary of said dispute, hold or blocking restriction, or
- A domain name transfer is requested without a valid Auth-Code.

Late submission of information or evidence supporting any of the foregoing requirements shall be regarded as failure to provide the requested information or evidence, unless the registry's request for information or evidence

- Contains an unreasonably short deadline or
- Failed to inform registrar that late submission may lead to the domain request being denied.

b. Application Periods

All applications must specify the period under which the application is being submitted and contain any such information that is required of that period as described in this document.

Applications may only be submitted once the period to which the application relates has commenced.

Successful applicants must enter into an agreement for the domain name with their registrar.

## VI. Registrant's representations and warranties

All domain names or applications for domain names as the case may be, are subject to NetCologne's policies for .koeln, and policies, procedures and requirements as issued by ICANN.

Our policy documents can be found in the policy section of the registry's website [www.dotkoeln.de](www.dotkoeln.de) .

- Without limiting any other agreement or policy, by submitting an application for a domain name an applicant will be deemed to have warranted that:
- It has the authority to make an application;
- The information provided is current, complete, and accurate, and the applicant agrees to correct and update the information to ensure it remains current, complete, and accurate;
- Any information the applicant may have provided to the TMCH Sunrise and Claims Operator is true and correct; and
- Where the application relates to a Sunrise Period, to the best of the applicant's knowledge the requested label is a trademark match to the validated mark.

The applicant and the registrar understand and acknowledge:

- That the act of submitting an application for a domain name in no way guarantees the domain name will be allocated to the applicant;
- Where multiple applications are received for a domain name, that those applications may be subject to the processes as described in this policy
- That NetCologne may prevent an applicant from making an application and registering or renewing a domain name where that applicant has been found to be in breach of NetCologne's policy.

By submitting an application for a domain name the applicant and the registrar agree:
- To be subject to this and any other policy issued by us, and acknowledge that any domain name may be subject to a dispute resolution process, and that the outcome of such process may result in the domain name registration being transferred to another entity, being suspended or cancelled;
- That we reserve the right to deny any application, or cancel, lock, place on hold, transfer or delete any domain name that we deem necessary, in our sole discretion:
  - To protect the integrity and stability of the Service;
  - To comply with our obligations;
  - To comply with any applicable laws, government rules or requirements, requests of law enforcement, or in compliance with any dispute resolution policies or process;
  - To avoid any liability, civil or criminal, on our part, as well as our affiliates, subsidiaries, officers, directors, employees and subcontractors;
  - To ensure compliance with NetCologne's policies for .koeln;
  - For the non-payment to us of any fee; or
  - To correct mistakes made by us or any registrar, or any of its service providers in connection with an application or a domain name.

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o   To indemnify and keep us (including our employees, agents and subcontractors) fully indemnified from and against all suits, actions, claims, demands, losses, liabilities, damages, costs and expenses, that may be made or brought against or suffered or incurred by us, arising out of or in connection in any way, with your breach of any policy or agreement that an applicant may have with NetCologne.