

# **.TATAR Sunrise Registration Policy**

## **1. Introduction**

This .TATAR Sunrise Registration Policy (hereinafter referred to as the “Policy”) sets out terms and conditions under which holders of trademarks (service marks) registered with the TMCH shall be granted priority in receipt of domain name registration services, as well as a procedure and terms and conditions for provision of such sunrise registration services.

## **2. Terms, Definitions and Acronyms**

2.1. **Terms and Conditions** means Terms and Conditions of Domain Names Registrations in .TATAR gTLD, the effective wording of which is posted on the Registry Operator’s official website at <http://dottatar.ru>.

2.2. **.TATAR Sunrise Registration (a domain name sunrise registration)** means registration of second-level domains conducted prior to the open (to everyone) domain registration and exclusively for entities identified by this Policy and on the conditions established by this Policy, rather than on the first come, first served basis.

2.3. **Trademark (service mark), TM** is a distinctive mark used to individualize and distinguish between identical or similar goods, products, works and/or services offered by different producers or service providers.

The following categories are not considered to be Trademarks:

- trademark applications;
- certification and guarantee marks.

2.4. **TM Holder, Holder** means a holder of the exclusive right to the trademark (service mark).

2.5. **Trademark Clearinghouse, TMCH** is a centralized database of verified information about trademarks (service marks) and the Holders of these trademarks (service marks). The registration and verification of trademarks (service marks) with the TMCH should be carried out by TM holders in the manner and on the terms established by the TMCH and posted on its official website at <http://trademark-clearinghouse.com/>.

2.6. **Signed Mark Data (SMD) Files, SMD file** is a file issued to the Holder of a trademark (service mark) at the time of registration with the TMCH.

2.7. **Auction Rules** is a document that describes auction rules and procedures. Its effective version is available on the Registry Operator’s official website at <http://dottatar.ru>.

2.8. Other terms and acronyms used in this Policy shall be construed in accordance with their definition provided in the Terms and Conditions and other addenda thereto.

## **3. Main provisions and requirements**

3.1. The sunrise registration services are provided basing on and in accordance with the Terms and Conditions, this Policy, other addenda thereto, ICANN policies, the registration agreement and other applicable documents.

3.2. The period during which the Registry Operator will be collecting sunrise registration applications from registrars is determined exclusively by the Registry Operator and posted on its official website no less than ten (10) calendar days before the beginning date for accepting the applications. The duration of this period under any circumstances shall account for no be less than sixty (60) calendar days.

The Registry Operator reserves the right to change at any time the beginning and/or the closing date for collection of sunrise registration applications by posting respective information on its official website no less than ten (10) calendar days prior to such changes.

- 3.3. The Registry Operator will not accept and consider applications received upon expiration of the established deadline. Where the deadline was missed, it may not be reinstated.
- 3.4. The domain name sunrise registration is available over the length of registration set out in **Par. 4.1** of the Terms and Conditions.
- 3.5. During the first year of registration, the following acts with the domain name registered in accordance with the priority procedure are banned: (i) its transfer to another registrant (**Par. 5.3** of the Terms and Conditions), and (ii) its transfer to another registrar (**Par. 5.4** of the Terms and Conditions).
- 3.6. The sunrise registration services are delivered only by the registrars who have successfully passed the Integration Testing with the TMCH Sunrise and Claims Operator (IBM) and have been properly certified to operate the Trademark Database (TMDB) information system. The list of such registrars is available on the Registry Operator's official website at <http://dottatar.ru>.

#### **4. Requirements to applicants and trademarks (service marks).**

- 4.1. **Requirements to applicants.** The right to sunrise registration in accordance with this Policy shall be granted exclusively to TM Holders.
- 4.2. **TM requirements.** Pursuant to this Policy, the right to .sunrise registration shall be granted exclusively to holders of those TM which meet all the below requirements:
  - 4.2.1. TM must be registered and verified by the TMCH (the TM should have its status marked as "verified");
  - 4.2.2. TM must either be properly registered by an appropriate intellectual property agency in accordance with a national, or regional, or international procedure, or the rights to a TM which does not require its registration with an appropriate intellectual property authority agency, shall be validated by a competent judicial authority's ruling or protected by law or a treaty;
  - 4.2.3. TM registration either has to be in effect, or the date of registration of the rights thereto, or the date of the commencement of protection of the rights thereto, or the date of commencement of the use thereof, duly proved, should be established no later than April 24, 2014 (inclusive), or should have the priority date until June 21, 2013;
  - 4.2.4. TM registration should not expire before January 1, 2015.

#### **5. Requirements to domain names**

- 5.1. Sunrise registration may only be conducted with regard to such a domain name, which
  - 5.1.1. Meets the requirements set forth in sub-par (a) and (b) par. 4.5. of the respective Terms and conditions; and
  - 5.1.2. coincide with any of the marks in the SMD file and coded between -----BEGIN ENCODED SMD----- and -----END ENCODED SMD-----of such an SMD file

#### **6. The procedure for ordering the sunrise registration services.**

To order a Sunrise Registration service, a TM Holder should:

- (a) submit to a registrar, who has successfully passed the integration testing (**Par. 3.6** of this Policy) documents, information and data required for signing the registration agreement (**Par. 3.6** of the Terms and Conditions) and sign the registration agreement with that registrar (**Par. 3.5** of the Terms and Conditions);

- (b) file an application with the registrar for the sunrise registration service, which should meet the requirements set forth by **Art. 7** of the present Policy)
- (c) submit his/her SMD file, as well as other required by the registrar information and TM information, to the registrar.

The registrar determines the form, timelines, procedure and manner of filing the application to the registrar and submission of documents, information and data, as well as application collection and processing timelines.

## 7. Requirements to the sunrise registration application

- 7.1. The Sunrise Registration application shall meet all of the below requirements (where an application fails to meet at least one of the below requirements, it shall be dismissed by the registrar):
  - 7.1.1. There have been submitted all the necessary (sufficient) for the ordering of the priority registration service information, data, records and/or documents (**Art. 6** of the present Policy);
  - 7.1.2. the domain name meets all the requirements set forth in **Art. 5** of this Policy);
  - 7.1.3. there has been provided the description of the purpose of the domain registration (no more than 150 characters, including spaces), which is consistent with the Mission and values of the .TATAR domain (**sub-par. (d) par. 4.5** of the Terms and Conditions).
- 7.2. The application for priority registration may be dismissed where the registrar believes that (i) the purpose of the domain registration appears inconsistent with the .TATAR gTLD's Mission and Values; and/or the applied-for domain name proves inconsistent with the .TATAR gTLD's Mission and Values
- 7.3. The registrar shall inform the applicant of the reasons for rejection of the application.

## 8. Application processing procedure

- 8.1. All the collected from registrars sunrise registration applications shall be processed by the Registry Operator within no more than thirty (30) calendar days following the application collecting period end date.
- 8.2. During the applications processing period, the Registry Operator reserves the right to request from the applicant explanations, additional information, data, records, documents, etc. to verify the applicants and their TMs' compliance with the requirements set out in **Art. 4** of this Policy. The applicant shall submit such explanations, information, records, data, documents, etc. to the Registry Operator within two (2) business days upon dispatching by the Registry Operator of a request by electronic mail.
- 8.3. An application sunrise registration may be rejected where:
  - 8.3.1. As of the moment of its processing the Registry Operator finds out that: (i) the applicant and/or his/her TM fail to comply with the requirements set forth by **Art. 4** of the present Policy; and/or (ii) the applied-for domain name TM fails to comply with the requirements set forth by **Art. 5** of the present Policy; and/or
  - 8.3.2. the digital signature in the SMD file is incorrect; and/or
  - 8.3.3. the SMD file has been revoked; and/or
  - 8.3.4. the SMD file has expired at the time the application was received; and/or
  - 8.3.5. the SMD file does not belong to the applicant (the applicant is not the Holder of the TM registered with the TMCH); and/or
  - 8.3.6. The domain name in A-label format (in Punycode) does not coincide with any of the marks in the SMD file and coded between -----BEGIN ENCODED SMD----- and -----END ENCODED SMD-----of such an SMD file; and/or

- 8.3.7. Where the Registry Operator believes the purpose of the domain registration appears inconsistent with the .TATAR gTLD's Mission and Values; and/or the applied-for domain name proves inconsistent with the .TATAR gTLD's Mission and Values
- 8.3.8. The applicant failed to provide requested explanations, additional information, records, data, information, documents, etc. to the Registry Operator by the timeline specified in **Par. 8.2** of this Policy.
- 8.4. The applicant will be notified by electronic mail of approval or rejection of the application (with reference to reasons therefor).
- 8.5. Where there has been received a sole approved sunrise registration application for an applied-for domain name, that domain name shall be registered before the expiration of the application processing period timelines specified in **Par. 8.1** of this Policy.
- 8.6. Where there are two or more approved sunrise registration applications for the same domain name, the right to priority registration of such a domain name will be determined by means of closed auction in the manner prescribed by the Auction Rules.

## **9. Executive control over compliance with the Policy**

- 9.1. The Registry Operator may at any time, without prior notice, at its own discretion or basin on an objection filed in accordance with the .TATAR Dispute Resolution Policy for Sunrise period and Limited Registration periods (Priority Registration periods), verify registrants' compliance with the terms and requirements set forth by this Policy.
- 9.2. Upon detection of a domain name registered during the sunrise registration period which does not qualify for requirements of this Policy, the Registry Operator:
- imposes a ban on any transfers of that registered domain name or suspends the processing of the application for sunrise registration of that domain name;
  - where required, demands by electronic mail from the registrant and/or the registrar concerned explanation or any additional records, information, data and documents in witness of the registrant's eligibility for sunrise registration per the present Policy to .TATAR .
- 9.3. Registrars and registrants are bound to provide information, records, data, documents, etc. that the Registry Operator may need within two (2) business days upon receipt of a corresponding request by electronic mail from the Registry Operator.
- 9.4. Where the Registry Operator has not received within the timeline set forth in **Par. 9.3** of the present Policy demanded explanations, information, records, data, documents etc. and/or where the Registry Operator believes that such explanations, information, records, data, documents etc. do not support the registrant's eligibility for sunrise registration, or where the submitted explanations, information, records, data, documents etc. appear insufficient to make a positive decision, then the registered domain name may be cancelled.
- 9.5. Where the Registry Operator believes explanations, information, records, data, documents etc. are sufficient to confirm the registrant's eligibility for sunrise registration, then the ban on transfer of the registered domain name shall be lifted, and the application for priority registration shall be accepted for further processing.
- 9.6. The Registry Operator notifies the registrant and the respective registrar by means of electronic of any and all decisions taken.

## **10. Final clauses**

- 10.1. This Policy is an addendum (integral part) to the Terms and Conditions of Domain Name Registrations in .TATAR gTLD.
- 10.2. This Policy comes into effect on the date first above written and shall remain in effect indicated in the header of the document until a respective decision by the Registry Operator (on revocation of

the present Policy, or on termination of the present Policy, or any other suchlike decision). Termination of the present Policy does not acquit all the parties concerned of fulfillment of obligations created prior to the above date of termination of the present policy, nor it acquit those parties of responsibility for failure to perform (deficient performance of) it.

10.3. The Registry Operator may decide to change, supplement, update, revise or cancel this Policy at any time upon termination of the priority registration period and all the actions held in accordance with the present Policy. The procedure and conditions of introducing amendments, supplements to, and updates of, as well as adoption of, the present Policy in a new wording or its cancellation are set forth by the [Terms and Conditions of Domain Name Registrations in .TATAR gTLD.](#)