



.kiwi Sunrise Policy

Version 1.0

9th January 2014

Dot Kiwi Limited

Summary and Timeline

Dot Kiwi Limited (the “Registry” or “Dot Kiwi”) will offer a sixty (60) day end-date Trademark period (“Sunrise”) as a rights protection mechanism for mark holders before registration by the general public becomes available in the .kiwi TLD (“.kiwi”). During Sunrise, only Signed-mark Data File (“SMD”) holders (or their agents) will be authorised to submit Sunrise Applications. Successful Sunrise Registrations will be allocated in .kiwi after the Processing Period (see timeline below) concludes.

Application Process Overview

The following process applies to Sunrise Applications:

- SMD Files submitted with Sunrise Applications are validated by the Registry.
- Sunrise Applications missing a valid SMD File or containing an invalid SMD File will be rejected by the Registry.
- Domain Names for which a valid Sunrise Application has been received that (1) meet the Sunrise Registration eligibility criteria described herein and (2) were submitted in accordance with Registry Policies, ICANN Requirements, and the Registry-Registrar Agreement, will be allocated to the Applicant following the close of Sunrise.
- If more than one Sunrise Application for the same Domain Name meets the eligibility criteria described herein, the Sunrise Applications will be submitted to an Auction Provider as described below.
- Domain Names awarded to successful Sunrise Applicants at auction will be allocated by the Registry following the conclusion of such auction.

Auction

If more than one Applicant submits a valid Sunrise Application for the same Domain Name, the Registry will notify the applicable Registrar(s) at the end of the Sunrise period. The prevailing Applicant for the Domain Name will be determined at an auction hosted by an auction provider of Dot Kiwi’s choice (“Auction Provider”). The auction process will be governed by the terms and conditions published by the Auction Provider and available on the Registry Website (“Auction Rules”). Domain Names awarded to successful Sunrise Applicants at auction will be allocated by the Registry typically within seven (7) days of notification from the Auction Provider that the auction has concluded.

Available Sunrise Registration Periods

Sunrise Registrations may be purchased in yearly increments of no less than one (1) year and no more than ten (10) years, commencing on the date on which the Domain Name is registered. Unless otherwise terminated, such registration will expire on the same day of the month the registration was created.

Processing Sunrise Registrations

The Registry will not process a Sunrise Application unless the Registry has: (1) validated the SMD File with the Trademark Clearinghouse (“TMCH”), and (2) received, or has, in its discretion, reasonable assurance of payment from the Registrar of all applicable fees, including the non-refundable, one-time Sunrise participation fee for the Sunrise Application.

TMCH, SMD Files, and Domain Name Label Requirements

Sunrise Applications may only be submitted by a Registrar sponsoring the Sunrise Applicant and must include an SMD File corresponding to the Domain Name Label in the applied-for Domain Name.

Eligible Applicants

Each applicant must meet the qualifications specified by ICANN requirements and detailed in the TMCH Guidelines (per www.trademark-clearinghouse.com), as they may change from time to time.

SMD File Requirements

The Applicant must first provide information required by the TMCH to obtain the SMD File per the TMCH Guidelines. The TMCH will then issue an SMD File to verified applicants. The Sunrise Applicant must submit a valid SMD File along with its Sunrise Application.

Allocation

The Registry will allocate a Domain Name if:

- The Domain Name Label meets the requirements set out below;
- The Domain Name Label and the information contained in the Registrar’s request meet the requirements in the Registrar Terms and Conditions;
- The Domain Name Label is available; and
- The Registrar is in good standing with the Registry.

Domain Name Label Requirements

Dot Kiwi will not accept a Sunrise Application unless the applied-for Domain Name meets the applicable requirements as defined in RFC 1035 and RFC 1123, including the following technical and syntax requirements. The Domain Name Label must:

- if ACSII, consist exclusively of the letters A-Z (case insensitive), the numbers 0-9, and hyphens;
- if non-ASCII (e.g. IDN), consist of language scripts offered by the Registry (as specified on the Registry Website);
- not begin or end with a hyphen;
- not exceed 63 characters; and
- contain at least one character.

Domain Name Labels may not contain hyphens, except where two consecutive hyphens (--) are used in the 3rd and 4th positions, when preceded by "xn" and followed by a label that corresponds with an IDN containing characters referred to above.

SLD Blocked Domains

Applications will be accepted for domain names appearing on the Second-Level Domain (SLD) block list¹ per the Alternative Path to Delegation report², and are subject to the terms contained in this Sunrise Period policy. For all domains applied for that appear on the SLD block list, the domain name(s) will not resolve on the Internet until such time ICANN removes such prohibitions. Should ICANN fail to remove such SLD block list prohibitions, the Registry Operator will notify the sponsoring Registrar(s) and provide a full refund of the Sunrise participation fee paid.

Sunrise Applicant Notification

Notification to Sunrise applicants will be as follows:

- At the end of Sunrise, the Registry will notify Registrars who sponsored a Sunrise Application of applicable Sunrise Registration allocations.
- In the event two or more Sunrise Applications are received for the same Domain Name the Registry will notify the Registrar(s) who sponsored such Sunrise Applications and advise them of the impending auction for the Domain Name.
- Registrars receiving notice of a pending auction must pass on such notice to their Sunrise applicants.
- At the conclusion of an auction for a Domain Name, the sponsoring Registrar(s) for Sunrise Applications will receive a poll message informing which Sunrise Application:
 - Prevailed in the auction and was allocated the Domain Name; and which
 - Lost in the auction.
- The Registry will notify the TMCH of successful Sunrise Applications once the corresponding Sunrise Registration has been made
- The Registry may also publish all or any portion of a pending Sunrise Application online (e.g. via Whois).

The Registry's Rights Regarding Sunrise Applications

The Registry shall be entitled, but not obligated, to reject a Sunrise Application or to delete, revoke, cancel, suspend or transfer a Sunrise Registration:

- To enforce Registry policies and ICANN Requirements, each as amended from time to time;
- That is not accompanied by complete and accurate information, or where required, information is not updated or corrected, as required by ICANN Requirements or Registry policies;
- To protect the integrity and stability of the operation or management of the Registry;

¹ <http://www.icann.org/en/about/agreements/registries/apd-reports-17nov13-en.zip>

² <http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-annex-1-07oct13-en.pdf>

- To comply with applicable laws, regulations, policies or any holding, order, or decision by a competent court or administrative authority, or any dispute resolution service provider the Registry may retain to oversee the arbitration and mediation of disputes;
- To establish, assert, or defend the legal rights of the Registry or a third party, or to avoid any actual or potential civil or criminal liability on the part of or damage to the Registry or its affiliates, subsidiaries, contracted parties, officers, directors, representatives, employees, contractors, and stockholders;
- To correct mistakes made by the Registry or any Registrar in connection with a Sunrise Registration;
- If the Registry receives notice that the SMD File is under dispute; or
- As otherwise provided in the Registrar terms and conditions or Registry-Registrar agreement.

Definitions

ASCII means the American standard code for information interchange.

Applicant means a natural person, company, or organization submitting a Sunrise Application.

Domain Name means a domain name in and maintained by the Registry's database consisting of at least the Domain Name Label and .kiwi together, separated by a dot (e.g., "welcome.kiwi").

Domain Name Label means the characters to the left of the dot that precedes .kiwi (e.g., in the Domain Name "welcome.kiwi", "welcome" is the label).

IDN means Internationalized Domain Name.

Registrar means a Domain Name registrar sponsoring an Applicant for a Sunrise Registration that is (i) accredited by ICANN and (ii) has entered into a Registry-Registrar Agreement with the Registry.

Registry means Dot Kiwi Limited.

Registry Website means www.dot-kiwi.com or other .kiwi-specific URL directed from such website.

Signed-mark Data File is the file issued by the TMCH proving that the TMCH application data for one or more TMCH-Sunrise eligible terms—typically a trademark—have been successfully validated and entered into the TMCH database.

Sunrise means the period as shown in the Timeline above during which holders of SMD Files may submit Sunrise Applications.

Sunrise Application means the non-transferrable, complete, technically correct request for a Domain Name Registration submitted by a Registrar to the Registry during Sunrise.

Sunrise Registration means a Domain Name registration resulting from an approved Sunrise Application.

TMCH means the Trademark Clearinghouse, which is the mechanism made available for the validation and database management of rights protected terms, typically trademarks.

TMCH Guidelines means the then effective guidelines found at <http://www.trademark-clearinghouse.com>.