

.ДЕТИ Dispute Resolution Policy for Sunrise period and Limited Registration periods (Priority Registration periods)

1. Introduction

This .ДЕТИ Dispute Resolution Policy for Sunrise period and Limited Registration periods (hereinafter referred to as the “Policy”) establishes rules and procedures for filing and processing the following objections:

- objection to a refusal to provide .ДЕТИ Priority Registration.
- objection to an approval of a .ДЕТИ Priority Registration application.

2. Terms, Definitions and Acronyms

2.1. **Terms and Conditions** – Terms and Conditions of Domain Name Registration in .ДЕТИ gTLD, the current version of which is posted on the Registry Operator’s official website at <http://dotdeti.ru/docs/>.

2.2. The **.ДЕТИ Priority Registration Policy** shall be a policy approved by the Registry Operator:

- the .ДЕТИ Sunrise Registration Policy for trademarks (service marks) registered with the TMCH; or
- the .ДЕТИ Limited Registration Policy for trademarks (service marks) protected in the Russian Federation; or
- the .ДЕТИ Limited Registration Policy for media and Internet projects.

Current revisions of the above .ДЕТИ Priority Registration Policies are posted on the Registry Operator’s official website at <http://dotdeti.ru/docs/>.

2.3. **An approved .ДЕТИ Priority Registration application** shall be an application which was not rejected before the end date of the application processing period indicated in an appropriate .ДЕТИ Priority Registration Policy.

2.4. **A defendant** shall be an applicant or a registrant whom approved .ДЕТИ Priority Registration application is objected.

2.5. **An intermediary** shall be any individual possessing special and/or necessary knowledge and ability to provide qualified and unbiased consideration of disputes arising in connection with .ДЕТИ Priority Registration. An individual who does not possess full legal capacity or who is convicted of a criminal offense by a court ruling that has entered into force, or has a conviction that has not been expunged or removed from official records in accordance with the procedure established by federal law, cannot act as an intermediary. The Registry Operator reserves the right to use the services of any intermediary, at its sole discretion and without providing grounds for its choice, unless otherwise stated in the current legislation of the Russian Federation. An intermediary or an intermediary teams shall be appointed directly by the Registry Operator.

2.6. Other terms and acronyms used in this Policy shall be interpreted in accordance with their definitions provided in the Terms and Conditions and other addenda thereto.

3. General requirements and terms for filing objections and responses to objections

3.1. An objection regarding denial to provide .ДЕТИ Priority Registration of a domain name may only be filed by such an applicant who has been denied in .ДЕТИ Priority Registration.
An objection regarding the approval of a .ДЕТИ Priority Registration application can be filed by any entity.

- 3.2. Any objections and notes thereto, as well as any responses to objections and explanations to such responses, can be made in any form in Russian.
- All materials attached to an objection or a response to it can be submitted in languages other than Russian; however, if the objection or review materials are submitted in any language other than Russian, their translation into Russian must be attached thereto.
- Such a Russian translation must be notarized in cases where the accompanying materials (1) are written in languages other than English, German, French, Italian or Spanish and/or (2) even if they are drawn up in one of these languages (English, German, French, Italian or Spanish), but total more than one hundred (100) words.
- All correspondence concerning objections and responses to them shall also be maintained in Russian.
- 3.3. An objection shall be signed by the person(s) filing it.
- An objection filed by a legal entity shall be signed by its senior executive (a person with the primary authority to sign) or any other duly authorized person with an indication of their position. Documents confirming their authority shall be attached to it. The objection must bear the seal of the legal entity. The last name in full and initial letters of the first name of the signatory(ies) shall be written out next to the signature.
- 3.4. An objection should refer to one .ДЕТИ Priority Registration application.
- 3.5. Objections and responses to them (as well as explanations and materials) shall be submitted to the Registry Operator in one of the following manners:
- by express mail (courier service) to the postal address of the Registry Operator indicated on the Registry Operator's official website at <http://dotdeti.ru/about/contacts/>;
 - through the Registry Operator's secretary service located at the address indicated on the Registry Operator's official website at <http://dotdeti.ru/about/contacts/>;
 - by emailing scanned/photographic copies to the Registry Operator at legal@dotdeti.ru.
- 3.6. Objections, explanations and corresponding materials, as well as responses to the objections, explanations and materials to such responses submitted to the Registry Operator shall not be returned (regardless of the results of their review).
- 3.7. Disputes regarding the validity of an SMD File are subject to the Trademark Clearinghouse (TMCH) dispute process as outlined at <http://trademark-clearinghouse.com/dispute>. Where the TMCH has found SMD File to be invalid, Registry Operator may (but is not bound to) satisfy the objection.

4. Requirements regarding the substance of objections and filing deadlines

4.1. Objections regarding refusal to provide .ДЕТИ Priority Registration

- 4.1.1. Any applicant who does not agree with a refusal to provide a .ДЕТИ Priority Registration service may, within five (5) calendar days of receipt of such a refusal, file an objection to the refusal. Missed objection filing deadlines shall not be extended.
- 4.1.2. The objection shall include the following information:
- (a) full name of the applicant whose .ДЕТИ Priority Registration application was rejected (last name, first name, middle name (if any) of an individual or full name of a legal entity);
 - (b) legal address (for legal entities) or address of incorporation and/or address of permanent residence (for individuals) of the applicant, including the official name of the country;
 - (c) valid e-mail addresses of the applicant for correspondence regarding the objection;
 - (d) name of the registrar who refused .ДЕТИ Priority Registration, its official website or indication of the fact that the refusal came from the Registry Operator;
 - (e) designation of the .ДЕТИ Priority Registration period in which the application was filed (select one of the following):

- the period of .ДЕТИ Sunrise Registration for trademarks (service marks) that are registered with the TMCH,
- the period of .ДЕТИ Limited Registration for trademarks (service marks) that are protected in the Russian Federation,
- the period of .ДЕТИ Limited Registration for media and Internet projects;
- (f) the domain name for which a .ДЕТИ Priority Registration application was filed;
- (g) a reasoned justification of the unlawful nature of the refusal with reference to the items of a corresponding .ДЕТИ Priority Registration Policy;
- (h) a request for honoring the .ДЕТИ Priority Registration application;
- (i) a list of actions to challenge the refusal to provide .ДЕТИ Priority Registration taken by the person who filed the objection prior to filing such an objection, or indication of the fact that no other action has been taken;
- (j) consent of an individual objector to have his/her personal data indicated in the objection processed by the Registry Operator or any expert(s) hired by the Registry Operator, disclosed in the media, posted on information and telecommunications networks, or otherwise made publicly available;
- (k) the following statement by the objector: "The objector confirms that the information and the data included in the objection are complete and accurate, and that the objection is not filed with the intent to cause damage or inconvenience or harm anyone. The person filing an objection understands and agrees that he or she (not the Registry Operator, the registrar, or the Intermediary) shall be solely liable for any restrictions imposed by the Registry Operator in connection with the review of an objection to any actions with the already registered domain name, and for the consequences of such restrictions, as well as any other restrictions, inconveniences, expenses, etc., that the registrant of a registered domain name has incurred in connection with the review of an objection in cases where the decision was made to dismiss the objection or terminate the proceedings regarding such an objection."

4.1.3. The objection must have the following materials attached:

- (a) a copy of a registration agreement with the registrar (or reference thereto);
- (b) a copy of the denial to provide .ДЕТИ Priority Registration services (decision to reject the application) that includes the reasons for the rejection;
- (c) copies of all documents, as well as information and data that was provided to the registrar when applying for .ДЕТИ Priority Registration;
- (d) copies of the documents confirming the authority of the person who signed the objection.

Other materials that, according to the applicant, may affect the decision with regard to the objection may also be attached to the objection.

4.2. **Objection to approval of a .ДЕТИ Priority Registration application**

4.2.1. Anyone who disagrees with the approval of a .ДЕТИ Priority Registration application may, within ten (10) calendar days following the end of the corresponding .ДЕТИ Priority Registration period, file an objection against such an approval. Missed deadline for filing an objection shall not be extended.

4.2.2. The objection should include the following information:

- (a) full name of the objector (last name, first name, middle name (if any) of an individual or full name of a legal entity);
- (b) legal address (for legal entities) or address of incorporation and/or address of permanent residence (for individuals) of the objector, including the official name of the country;
- (c) valid e-mail addresses of the objector for contacts regarding the objection;
- (d) designation of the .ДЕТИ Priority Registration period in which the application was approved (select one of the following):

- the .ДЕТИ Sunrise Registration period for trademarks (service marks) registered with the TMCH,
 - the .ДЕТИ Limited Registration period for trademarks (service marks) that are protected in the Russian Federation,
 - the .ДЕТИ Limited Registration period for media and Internet projects;
- (e) the domain name the application for which was approved;
- (f) reasoned justifications for the fact that the .ДЕТИ Priority Registration application was filed and/or approved in violation of one or more .ДЕТИ Priority Registration terms and conditions set out in a corresponding .ДЕТИ Priority Registration Policy, namely:
- i. .ДЕТИ Sunrise Registration period for trademarks (service marks) registered with the TMCH:
 - The applicant did not own the TM (the applicant's rights to the TM have not been confirmed by law, a contract, a decision of a competent court, evidence, etc.) on the day the .ДЕТИ Sunrise Registration application was filed; and/or
 - The applicant's TM was not properly registered (in accordance with national, international and/or regional procedures) with an appropriate intellectual property authority, or the rights to a TM have not been properly validated by an instrument of a competent court or protected by law or international treaty on the day the .ДЕТИ Sunrise Registration application was filed; and/or
 - The applicant's TM was registered (or the date of the accrual of the rights to a TM, or the date of the beginning of the protection of the rights to a TM, or the properly confirmed date of the beginning of the use of a TM) after November 20, 2013, or has a priority date later than June 13, 2013 (inclusive); and/or
 - The registration deadline for a TM owned by the applicant expires before November 1, 2014; and/or
 - the domain name submitted for .ДЕТИ Sunrise Registration is not identical to the Trademark records of the TM owned by the applicant; and/or
 - The TM owned by the applicant is registered with regard to such items, products, goods, work and/or services that are inconsistent with the Mission and the values of the .ДЕТИ domain (for example, for only NCL class 33 and/or 34 or only for NCL class 32, if the soft drinks are excluded from the list of goods and/or services);
 - ii. .ДЕТИ Limited Registration period for trademarks (service marks) protected in the Russian Federation:
 - The applicant did not own a TM (the applicant's rights to a TM have not been confirmed by law, a contract, a decision of a competent court) on the day the .ДЕТИ Limited Registration application was filed; and/or
 - The applicant's TM was not properly registered (in accordance with national, international and/or regional procedure) on the day that the .ДЕТИ Limited Registration application was filed; and/or
 - The applicant's TM was not legally protected in the Russian Federation on the day the .ДЕТИ Limited Registration application was filed; and/or
 - The applicant's TM was registered after November 20, 2013, or its priority date is later than June 13, 2013 (inclusive); and/or The deadline for registration of a TM owned by the applicant expires before November 1, 2014, and/or
 - The domain name submitted for .ДЕТИ Limited Registration is not identical to the Trademark records of the TM owned by the applicant; and/or
 - Trademark records of the applicant's TM includes only unprotected elements; and/or

- The TM owned by the applicant is registered only in respect to such items, products, goods, work and/or services that are inconsistent with the mission and the values of the .ДЕТИ domain (for example, for only NCL class 33 and/or 34 or only for NCL class 32, if soft drinks are excluded from the list of goods and/or services);

iii. .ДЕТИ Limited Registration period for media and Internet projects:

- The applicant was not a founder of the mass media or a person in whose name a domain name or the communication services for an Internet project were registered on the day the .ДЕТИ Limited Registration application was filed; and/or
- The day when the .ДЕТИ Limited Registration application was filed, the applicant was not authorized to apply for .ДЕТИ Limited Registration of a domain name in his/her name (if the mass media is registered to several founders); and/or
- The applicant's mass media or the domain name were registered after June 13, 2013; and/or
- The domain name submitted for .ДЕТИ Limited Registration is not identical to the name of the mass media or the domain name used to address the Internet project; and/or
- The theme and/or specialty of the mass media or an Internet project is inconsistent with the Mission and values of the .ДЕТИ domain; and/or
- Permits required for television or radio broadcasting are not available, or such documents expire in less than six months from the filing date (only if applicable for the media); and/or
- Permit required to distribute foreign periodicals in the Russian Federation is not available (only if applicable for the mass media).

- (g) A request to perform a check of the approved .ДЕТИ Priority Registration application;
- (h) a list of actions to challenge the approval of the .ДЕТИ Priority Registration application undertaken by an objector prior to filing an objection or indication of the fact that such actions have not been undertaken;
- (i) consent of an private individual objector to have his/her personal data indicated in the objection processed by the Registry Operator or any expert(s) hired by the Registry Operator, disclosed in the media, posted on information and telecommunications networks, or otherwise made publicly available;
- (j) The following statement by the objector: "The objector confirms that the information and the data in the objection are complete and accurate, and that the objection is not filed with the intent to cause damage or inconvenience, or harm anyone. The objector understands and agrees that the objector (not the Registry Operator, the registrar, or the Intermediary) shall be solely liable for any restrictions imposed by the Registry Operator in connection with the review of an objection to any actions with the already registered domain name, and for the consequences of such restrictions, as well as any other restrictions, inconveniences, expenses, etc., that the registrant of a registered domain name has incurred in connection with the review of an objection in cases where the decision was made to dismiss the objection or terminate the proceedings regarding such an objection."

4.2.3. Any materials that, according to the objector, could in any way affect the decision on the objection and also serve as evidence that the .ДЕТИ Priority Registration application was filed and/or approved in violation of the terms and conditions of the .ДЕТИ Priority Registration, may be attached to such an objection.

5. The objection reviewing procedure

5.1. **Registering an objection.** An incoming objection shall be registered with the Registry Operator's automated request processing system and assigned an incoming number. The incoming objection number is emailed to the objector.

5.2. Acceptance of an objection for review

- 5.2.1. The Registry Operator shall check for compliance of an objection with the appearance and content requirements and the rules and deadlines for filing objections, etc. within two (2) business days of the receipt of an objection.
- 5.2.2. If an objection was filed in violation of the requirements provided in this Policy, the Registry Operator may suggest that the objector remedy any identified shortcomings during the prescribed period, usually not exceeding two (2) business days following the date such a suggestion is made.
- 5.2.3. An objection shall not be subject to review if: the objector failed to comply with all the requirements regarding the execution and the procedure for filing objections ([Article 3](#) of this Policy); and/or the objector failed to meet the objection filing deadline ([Article 4](#) of this Policy); and/or
 - an objection does not contain all the required information ([Article 4](#) of this Policy), and/or
 - an objection is not accompanied by all the required materials ([Article 4](#) of this Policy), and/or
 - despite the suggestion to remedy the shortcomings in the objection, the objector, failed to do so on time, and/or
 - the objection includes information that is not related to the .ДЕТИ domain (eg., the objection concerns a domain name registered in a domain other than .ДЕТИ), etc.
- 5.2.4. The objector shall be notified by email about the acceptance of an objection for review, as well as about any fact of refusal (indicating the reasons) to review an objection.
- 5.2.5. All objections shall be reviewed based on written materials without any hearings.

5.3. Reviewing an objection to a refusal to provide .ДЕТИ Priority Registration services

- 5.3.1. The objection to a refusal to provide .ДЕТИ Priority Registration services shall be reviewed within not more than fifteen (15) calendar days following the acceptance of an objection for a review by the Registry Operator or an Intermediary hired by the Registry Operator.
- 5.3.2. During the review of an objection, the Registry Operator shall be entitled to (i) ban all actions with regard to the already registered domain name (of which the registrant and the registrar sponsoring such a domain name shall be notified on the day such a ban is introduced), and (ii) suspend the auction already in progress (of which all its participants, auction attendants and registrars whose clients participate in the auction shall be notified on the day of such a suspension).
- 5.3.3. The Registry Operator and/or the Intermediary may request that the objector provide any explanations, additional information, materials, data, information, documents, etc. that are necessary for making a decision on the objection. The objector must provide such additional explanations, additional information, materials, data, information, and documents within two (2) business days following the day the Registry Operator emailed such a request.
Failure to provide the requested explanations, additional information, materials, data, information, documents, etc. shall not constitute an obstacle in deciding on the objection.
Explanations, additional information, materials, data, information, documents, etc. submitted in violation of the deadline or statutory requirements for their appearance and/or filing procedure ([Article 3](#) of this Policy) may be not accepted or taken into account when deciding on the objection.
- 5.3.4. The Registry Operator shall send an email notification to the objector, as well as the registrant and the registrar sponsoring the registered domain name that is the subject of the objection about any decision on the objection (satisfying or dismissing the objection or terminating proceedings regarding the objection).

5.4. Reviewing an objection to approval of the .ДЕТИ Priority Registration application

- 5.4.1. On the day when an objection is accepted for review, the Registry Operator shall notify the defendant thereof by emailing a copy of such an objection.

- 5.4.2. An objection to the approval of a .ДЕТИ Priority Registration application shall be reviewed within not more than thirty (30) calendar days following its acceptance for review by the Registry Operator or an Intermediary hired by the Registry Operator.
- 5.4.3. During the entire objection review period, the Registry Operator shall be entitled to (i) impose a ban on any actions with the already registered domain name (of which the registrant and the registrar sponsoring such a domain name shall be notified on the day such a ban is introduced), and (ii) suspend any auction already in progress (of which all its participants, attendants and registrars whose clients participate in the auction shall be notified on the day of such a suspension).
- 5.4.4. The defendant may, within two (2) business days following the day on which the Registry Operator emailed a notification about the acceptance of an objection for a review, provide the Registry Operator with a reasoned response to the objection containing evidence of the lack of violation of the .ДЕТИ Priority Registration terms and conditions, as well as explanations, additional information, materials, data, information, documents, etc. which will be taken into account when deciding on the objection.
Failure to submit the review, as well as explanations, additional information, materials, data, information, documents, etc. shall not constitute an obstacle in deciding on the objection.
It is possible that the review, explanations, additional information, materials, data, information, documents, etc., submitted in violation of the deadline or statutory requirements for their appearance and/or filing procedure ([Article 3](#) of this Policy) may be not accepted or taken into account when deciding on the objection.
- 5.4.5. The Registry Operator shall send an email notification to the objector, as well as the registrant and the registrar sponsoring a registered domain name that is the subject of an objection about any decision on the objection (satisfying or dismissing the objection or terminating proceedings regarding the objection).

5.5. Termination of proceedings regarding the objection

- 5.5.1. The proceedings regarding the objection may be terminated (at the discretion of the Registry Operator or an Intermediary) by filing a corresponding petition to the court (or arbitration court).
- 5.5.2. The objector may withdraw it at any time. In that case, the proceedings regarding the objection shall be terminated.

6. Final provisions

- 6.1. This Policy shall be an addendum (integral part) to the [Terms and Conditions of Domain Name Registration in .ДЕТИ gTLD](#).
- 6.2. This Policy shall enter into effect on the day of entry into force of the [.ДЕТИ Priority Registration Policy](#), which is indicated in the header of the document, and shall automatically terminate upon the adoption of the most recent decision regarding such an objection.
- 6.3. The Registry Operator may decide to change, supplement, update, revise or cancel this Policy at any time except during the period from the first day of acceptance of the .ДЕТИ Priority Registration applications in accordance with the [.ДЕТИ Priority Registration Policy](#) to the day on which a decision is made on the last objection based on an application filed in accordance with the [.ДЕТИ Priority Registration Policy](#). During this period, the Registry Operator may not change, supplement, update, revise or cancel this Policy.

The translation of the Policy into English performed by the Registry Operator in accordance with section 8.1 of the Terms and Conditions shall not be deemed as official text of this Policy and as such does not imply any responsibilities other than those stipulated in the Russian-language version of the Policy.