

Translation from German

Auction Guidelines for the .tirol Top-Level Domain

This policy is based on Austrian legislation. In case of doubt the German version of this policy is in force.

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1 Management Summary

The guidelines of punkt Tirol GmbH on assignment of domains provide for Auctions both during the start-up phases and when assigning special domains. In this way the decision on the assignment of a Domain between two or more equally ranked Applicants for a specific .tirol domain is made.

To be able to guarantee to participants in such Auctions

- the necessary legal certainty,
- a transparent and uniform procedure
- and, thus, equal opportunities

the auction guidelines summarised in this document have been formulated, which in the case of Auctions prevail over the General Guidelines and constitute binding rules for Registrants, Registrars and the Registry.

2 Definitions

The definitions contained in the *General Guidelines for Setting Up and Function of the .tirol Top-Level Domain* shall apply.

3 Applicability of the Guidelines

Together with the General Terms and Conditions and the General Guidelines for Setting Up and Function of the .tirol Top-Level Domain these Auction Guidelines contain a detailed description of all technological and administrative measures taken by the Registry to warrant proper, fair and technically stable processing of Auctions under the .tirol TLD. The Auction Guidelines shall apply to all Auctions carried out by .tirol in connection with the assigning of Domains.

4 Arranging auctions

In the Landrush Phase and in the Sunrise Phase of .tirol as well as in connection with the assigning of special Domains Auctions shall be arranged if and when several Applicants of equal priority apply for the same Domain.

5 Transmission of applicant data to and examination by the Registry

If an Auction is arranged in the course of the Sunrise Phase or the Landrush Phase, the Applicant data has been collected by the Registrar beforehand in connection with the application for a Domain and has been transmitted to punkt Tirol GmbH.

Trademark rights, rights to use a name or other rights will also be examined during the Sunrise Phase before an Auction is arranged.

When Domains are auctioned that are offered in a special assignment procedure, the Applicant shall transmit his data directly to .tirol.

6 The auction procedure

6.1 Notification of acceptance into the auction procedure

The Applicants shall be notified of their acceptance into the auction procedure as soon as possible and shall be given an access code to the auction platform.

6.2 Time and duration of the procedure

The Auction will start not earlier than 48 hours after notification of the Applicants at 9:00 hours local Austrian time on the following business day. (Example: notification on Thursday, 2 October 2014, at 14:00 hours, start of the Auction on Monday, 6 October 2014 at 9:00 hours).

The normal duration of an Auction is 7 (seven) days. As a rule, Auctions start on a weekday (Monday through Thursday) and will be closed one week later. Auctions will be extended if the highest bid changed in the last 36 hours. Extensions of Auctions serve the purpose of ensuring a fair mechanism for all bidders across all time zones so that no one is pre-empted.

This means that a maximum bid must lead the Auction for 36 hours without changes in order to win; only then will the Auction be closed.

6.3 Currency and terms of payment

All Auctions will be processed and billed in euros (EUR).

Billing of the highest bid made in the Auction to the winner is effected on behalf of punkt Tirol GmbH.

If the winner of an Auction fails to fulfil his payment obligations (or in the case of a reverse entry or denial of entry by the credit card provider or the bank) punkt Tirol GmbH reserves the right to revoke the assignment he has won in the Auction for the .tirol domain name.

Moreover, punkt Tirol GmbH is entitled to charge an administrative fee for restoring payment procedures in the case of a reverse transfer, a reverse entry or cancellation of the transaction by the credit card provider or by another payment service provider.

6.4 Registration for the auction account

Prior to the start of an Auction every Applicant involved shall validate the account by either providing the details of his credit card or an adequate proof of identity to the punkt Tirol GmbH.

All data advised shall be kept confidential by punkt Tirol GmbH and shall only be used for the Auction. If data is false or incomplete and if for that reason the necessary criteria for assignment are not fulfilled, this will result in loss of the domain purchased by auction by a unilateral declaration of punkt Tirol GmbH.

When the auction account is created, punkt Tirol GmbH will create a unique bidder ID, which will be used for identifying the Applicant on the auction platform. Such bidder ID will disclose no user-related information whatsoever.

If the Applicant provided credit card details, punkt Tirol GmbH will use the Applicant's credit card to check the validity. For this purpose a preauthorisation of EUR 1 will be made on the credit card (no debit entry). Such preauthorisation will never be confirmed and will not be stated in the credit card statement; depending on the credit card provider it will be removed after a few days.

6.5 Bidding

Through the .tirol auction account the Applicant is granted access to all Auctions for which he has qualified under the same email address.

Auctions follow a standard procedure that consists of arranging, opening and closing an auction: at least 48 hours before an Auction starts the Applicant will be advised that an Auction has been arranged for him. When an Auction has started, the Applicant will be notified thereof. He may then place bids via the web interface. When the Auction is closed the Applicant will be notified thereof and sent a request to initiate the payment procedure, if applicable.

Depending on the highest bid, the following increments apply:

From	To	Minimum bid
EUR 0	EUR 499	EUR 10
EUR 500	EUR 1.499	EUR 50
EUR 1.500	EUR xxx	EUR 100

6.6 Automated bids

Any auction participant has the possibility to enter a maximum bid (proxy bid). The system bids automatically step by step up to the bid made. First, the system will increase such bid only by the minimum increment to ensure that the Auction is led (unless there is another bid that is higher. In that case the total amount will be bid and the Applicant would be outbid by the other bidder with the higher bid). There can be only one maximum bid per Auction at a time; such bid is the current highest bid.

If the bidder is outbid the auction system will automatically continue to bid up to the bidder's maximum bid. The amount of the automated bid will never be disclosed to other users unless the maximum bid has exceeded the automated bid.

If a valid bid is equal to an automated bid, then the highest bid will be set to that value and the participant who first placed that amount will lead the Auction.

6.7 Last and highest bid

The last bid will be a bid that has remained the highest bid for a period of 36 hours without change. The period between Saturday 0:00 hours and Sunday 24:00 hours will not be included in this calculation. The same applies to public holidays in Austria. (Example: a bid must remain the highest bid from Friday 9:37 hours until Monday 21:36 hours to be considered the last bid and for the bidding Registrant to end up as eligible for Registration.)

6.8 Conclusion of the auction procedure

The bidder who made the last bid shall be informed about the winning bid by the Registry via email.

7 Payment

The last bid shall be debited from the winning bidder's credit card (if provided). If the credit card limit is exceeded or no credit card provided, the payment made via wire transfer must be credited to the account of punkt Tirol GmbH within five (5) business days according to issued invoice.

8 Auction principles

In addition to the General Terms and Conditions and the General Guidelines for the Setting Up and Function of the .tirol Top-Level Domain the following binding rules for Auctions are established, which the Applicant accepts by registering for the Auction.

8.1 Responsibility for the account

The user shall keep his User ID and his password safe. He hereby accepts full responsibility for any bids or modifications that are made under that account and use the password.

8.2 Auction communication

During the entire auction procedure of .tirol email messages will be sent to the Applicants. Those email messages will be sent from office@nic.tirol. The Applicant shall ensure that email messages from the above address will not go to the spam folder or be blocked.

Participants in the Auction will receive email notifications in various contexts, which include

- Initial account verification
- An Auction has been arranged.
- An Auction starts.
- An Applicant has been outbid and the Auction will be lost unless additional action is taken.
- An Auction period has been extended.
- The Applicant has won the Auction.
- Request for payment
- Acknowledgement of receipt of payment and pending assignment

8.3 Binding effect of bids

The bids made by the bidder constitute legally binding offers that are unconditionally binding, cannot be changed and are irrevocable. punkt Tirol GmbH reserves the right to enforce legally effective bids also in court.

8.4 Observing of Signs

In the auction procedure the Registrants act at their own risk and shall independently assess the legal situation with respect to Signs. They shall themselves be responsible for not violating Signs.

9 Registration procedure

Final Registration of the Domain will be carried out via a Registrar.

9.1 Transmission of an authentication code

When the only remaining Registrant has been identified and after the costs and fees have been paid, the Registry will send the authentication code to the Registrant. Only the Registrant to whom the authentication code was transmitted shall be able to register with the Registry through a 2013 RAA Registrar.

9.2 Entry in the WHOIS Database

The function of the WHOIS Database is described in the *.tirol WHOIS Policy*. The entry will be made in the course of Registration of the new Domain.

10 Alternative dispute resolution (= conciliation) procedure

The Applicants submit themselves to the alternative dispute resolution procedures described in Clause 7 of the General Guidelines for Setting Up and Function of the .tirol Top-Level Domain. The up-to-date details from time to time are available on the ICANN website, and the punkt Tirol GmbH website provides a link to the most recent version. The Applicants are responsible for studying the procedures and for reacting appropriately, where necessary.

11 Other Provisions

The "Other provisions" of Clause 9 of the General Guidelines for Setting Up and Function of the .tirol Top-Level Domain shall apply.