



.EUS QUALIFIED LAUNCH PROGRAM

PuntuEUS Fundazioa (“**Registry Operator**”), in connection with the execution of the Registry Agreement for the .eus TLD (the “**Registry Agreement**”), intends to conduct the below described launch program pursuant to Section 4.5.1 of the Trademark Clearinghouse Rights Protection Mechanism Requirements (the “**TMCH Requirements**”) in accordance with the provisions set forth in the Qualified Launch Program Addendum published by ICANN on April 10th, 2014

The Pioneer Program intends to offer potential .eus domain name holders the possibility to register and start using .eus domain names prior to the General Registration period. Such early registered domain names are called “**Pioneer Names**”. The active and positive use of .eus Pioneer Names will drive public interest and will increase awareness of the .eus TLDs.

Among all the applications received that meet the eligibility criteria set forth below, the Registry Operator will select and allow registration of a maximum of ninety (90) .eus Pioneer Names, based on a criteria of visibility, notoriety, commitment to the promotion of the .eus TLD, and contribution to the purposes of the .eus TLD.

To this effect, PuntuEUS Fundazioa published on April 26th a Call for Proposals (attached). Applications were received by PuntuEUS Fundazioa before May 30th, the date established as deadline.

In that call for proposals, PuntuEUS Fundazioa explicitly informed potential applicants that the Program was being conducted according to the provisions established by ICANN in the TMCH Requirements and QLP Addendum, and that the Pioneer Program would be presented to ICANN for its final approval, and that, therefore, is subject to ICANN’s final approval.

In view of the above, upon approval by ICANN of the StartUp Information hereby submitted, including this QLP, PuntuEUS Fundazioa will proceed to:

- Review and select the Projects from among those presented that meet the criteria established by PuntuEUS.
- Check the names proposed by the applicants against the TMCH’s Sunrise List;
- Check their full conformity with all the requirements set forth in the Addendum to the RPM Requirements;
- Proceed to allocate (or reject) the proposed names;
- Allow registration and activation of allocated names.

All this will be done between the date of approval of the StartUp Information by ICANN and September 15th (PuntuEUS Fundazioa has set a provisional date for the first round of announcements of pioneers on June 21st provided ICANN’s approval in due time)



Description of the Pioneer Program

1. Eligibility and Name Selection

1.1 General eligibility requirements

a) Registrations are restricted to bona-fide members of the Basque linguistic and cultural community. This community consists of those who use (or commit to use) the Basque language for their online communications, and/or promote the different aspects of Basque culture online, and/or intend to specifically address their online communications and services to that community. "Eus" is the contraction of "Euskara", which means "basque language" in Basque.

b) In addition, the registrant's use of the registered domain name must be:

- i. generally accepted as legitimate; and
- ii. beneficial to the cause and the values of the Basque linguistic and cultural community; and
- iii. commensurate with the role and importance of the registered domain name; and
- iv. in good faith at the time of registration and thereafter.

c) Moreover, at the time of announcing the allocation, the Pioneer Name applied for must not be registered at the Trademark Clearinghouse in favor of a third party (i.e. a party other than the Pioneer Name applicant), unless it is also registered at the Trademark Clearinghouse in favor of the applicant or the applicant is an international, national, regional, local or municipal governmental authority (a "Public Authority") as set forth by section 2.2. of the QLP Addendum.

1.2 Specific eligibility requirements. In addition to the above general eligibility criteria, the named applied for as Pioneer Name must be **identical** to the following:

- a) For the relevant **Public Authorities** (at any level) with competence in the areas where Basque is an autoctonous language:
 - i. Their **own name**, including clear variations and/or abbreviations thereof, or
 - ii. The **name of a public service or public interest** for which the applicant Public Authority has specific responsibilities; including at least the following services:
 - public order and public security
 - public affairs and institutional relations
 - public health
 - taxation, economic development and promotion
 - public utilities
 - transportation
 - urban planning and environmental protection
 - culture and education
 - citizen participation
 - tourism; or



- iii. A **Geographical name** for any subdivision of the areas where Basque is an autoctonous language, local landmarks, and other locally-relevant and iconic names in the area, including clear variations and abbreviations thereof; provided that the applicant is a Public Authority exercising control over that place or local landmark under local law; or
- b) For registered right holders:
 - i. A **TMCH-validated trademark**;
 - ii. **non TMCH-validated trademark with effect in the areas where Basque is an autoctonous language** (i.e. Spanish trademark, French trademark, EU Community trademark and/or WIPO International trademark with effect in Spain and/or France), or
 - iii. **geographical indication** of the areas where Basque is an autoctonous language and which is recognized by International, European Union, Spanish and/or Basque legislation; or
- c) For **entities and individuals, which have a specific vocation in promoting Basque language and / or culture** (including, e.g. Basque music, theatre, museums, sports, education, and media) well-known within the Basque community:
 - i. their **own name** or **well-known artistic name** (including clear variations and/or abbreviations thereof), and/or
 - ii. the **online service/s they provide**; or
- d) For legal entities proving prior online communications in Basque (e.g. through a website, mailing list, blog...):
 - i. their **registered company names** and **trade names** (including clear variations and/or abbreviations thereof); and
 - ii. the same **domain names** registered by them in other TLDs and effectively used.

1.3 Additional Requirement. In addition, applicant must be ready to demonstrate technical ability to announce the working website, which must be totally or partially written in Basque, no later than one (1) month after the signature of the Pioneer Agreement.

1.4 Validation process

- a) The fulfillment of the general eligibility requirements set forth in this Section 1 will be verified according to:
 - the intended use statement supplied by the domain registrant at the time of registration and/or the explicit agreement to the terms and conditions including the .eus TLD use policies, and
 - an ongoing enforcement program.
- b) The fulfillment of the specific eligibility requirements set forth in this Section 1 will be carefully and individually checked by the Registry Operator. Self-declaration will not be sufficient.

2. Respect of Intellectual Property Rights of third parties

The Pioneer Program (i) will not contribute to consumer confusion, and (ii) will not contribute to the infringement of intellectual property rights due to:

- a) the requirement reflected in 1.1. (c) above that the name applied for as Pioneer Name is not registered in the Trademark Clearinghouse in favor of a third party unless as set forth by the section 2 of the QLP Addendum; and
- b) the prior right requirement established as eligibility criteria; and
- d) the very limited number of domain names involved; and
- e) the scope of the program aimed at the promotion of an orderly .eus namespace.

3. Presumption of approval

In addition, the requirements of the Pioneer Program were set forth in reasonable detail in Registry Operator's Application. Namely:

Answer to Q18 b):

"1. Pre-launch phase

During Pre-launch, projects and content provision commitments are actively sought and negotiated, especially for key public-interest portions of the name space. All potential registrants and mandate holders are subject to screening and thorough pre-validation. For more details on the pioneer and the name space program, please see response to Q18 c) below."

Answer to Q18 c):

"In phases and areas where the first-come-first-served principle tends to yield perverse results, alternative modes are used. These include:

*1) A **pioneer name program** and name space mandate program. These programs adjudicate domain names based on an open and transparent project selection process. This process is highly economical in terms of social costs and yields substantial external benefits.*

***The pioneer name** and name space mandate programs are part of the .eus TLD outreach program. It begins before delegation of the TLD. In terms of workload, it mainly affects proposers who themselves are required to demonstrate support for their projects. Support will be required to come from the segment of the community concerned with the respective portion of the name space. Given the high value of the resulting on-line resources for the community and the public interest, and given the economic benefits that can be derived from their operation,*

the administrative effort is largely justified. To further protect affected parties, all adjudications in this phase have a safety-valve clause, allowing for later adjustments based on community input. The principle of the safety-valve is that affected parties can obtain adjustments to a component of a mandate if they propose (and commit to) an improved use of the underlying domain names from a public interest perspective. "

In this Application Registry Operator provides the following refinements and additional details to the above description:

- a) It provides operational eligibility and selection criteria;



b) To fully respect intellectual property rights of third parties, the Registry Operator establishes the requirement that the name applied for as Pioneer Name is not registered in the Trademark Clearinghouse in favor of a third party unless as set forth in the QLP Addendum Section 2.

Thus, Registry Operator's Pioneer Program should carry the presumption of being approved. Moreover, this presumption should be reinforced as this Program faithfully reflects what is intended in Section 4.5.1 of the Trademark Clearinghouse RPMs Requirements.

4. Final assurances

Registry Operator represents that the Pioneer Program described above is a true and correct description. Registry Operator agrees that if Registry Operator makes any changes to the Pioneer Program (whether before or after the Launch Application has been approved), it will promptly provide ICANN with a revised description of the Program.

Registry Operator acknowledges and agrees that in the event that any of the information contained herein becomes untrue (including after ICANN has approved the Pioneer Program), any approval granted by ICANN to Registry Operator for this Program shall immediately expire, and Registry Operator shall immediately cease accepting registrations or allocations under the Pioneer Program.