

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

1. Introduction

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

- objection to refusal to provide priority registration of a domain name;
- objection to approval of an application for priority registration.

2. Terms, Definitions and Acronyms

2.1. **Terms and Conditions** – Terms and Conditions of Domain Name Registration in .TATAR gTLD, the effective version of which is posted on the Registry Operator's official website at: <http://dottatar.ru>.

2.2. **The .TATAR Priority Registration Policy** - is a policy approved by the Registry Operator:

- the .TATAR Sunrise Registration Policy for trademarks (service marks) registered with the TMCH; or
- the .TATAR Limited Registration Policy for government needs ; or
- the .TATAR Limited Registration Policy for individual categories of customers.

The effective versions of the above .TATAR Priority Registration Policies are posted on the Registry Operator's official website at: <http://dottatar.ru>.

2.3. **An approved application for priority registration in .TATAR** is an application which was not rejected upon expiration of the application processing period set forth in the respective .TATAR Priority Registration Policy.

2.4. **A defendant** is an applicant or registrant whose approved application for priority registration in .TATAR was contested.

2.5. **An intermediary** is any individual in possession of special and/or necessary knowledge and the ability to provide an informed and non-partisan consideration of disputes arising in connection with the conduct of Priority Registration. An individual, who does not possess a full legal capacity or was convicted of a criminal offense under the court of law's sentence that has formed a final judgment, or has an unexpunged conviction, or whose conviction has not been 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 effective legislation of the Russian Federation. An intermediary or an intermediary team shall be appointed directly by the Registry Operator.

2.6. Other terms and acronyms used in this Policy shall be construed in accordance with their definitions provided herein and other addenda thereto.

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

3.1. An objection to a denial to exercise a domain name priority registration may be filed only by an applicant who has been refused in provision of the priority registration service.

A plea against approval of the application for priority registration can be filed by any entity.

3.2. All documents attached to the objection or response to it can be submitted in languages other than Russian; however, if the objection or review materials are submitted in a language other than Russian, their translation into Russian must be attached thereto.

Such a Russian translation should be notarized where the supporting documents (1) have been executed in languages other than English, German, French, Italian or Spanish and/or (2) while they have been executed in one of the latter languages (English, German, French, Italian or Spanish), but their total length exceeds one hundred (100) words.

All correspondence concerning objections and responses thereto shall also be carried out in Russian.

3.3. The objection shall be signed by the person(s) who has filed it.

The 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 a reference to their positions and shall be accompanied with a witness to their authority attached. The corporate seal must be attached to the objection.

The last name in full and initial letters of the given name of the signatory(-ies) shall be put next to the signature.

3.4. The objection should refer to an application for priority registration.

3.5. Objections and responses thereto (as well as explanations and documents) shall be submitted to the Registry Operator in one of the following ways:

- by express mail (courier service) to the Registry Operator's postal address indicated on the Registry Operator's official website at <http://dottatar.ru>;
- through the Registry Operator's secretariat at the address indicated on the Registry Operator's official website at <http://dottatar.ru>;
- by forwarding by electronic mail scanned/photographic copies to the Registry Operator at legal@dottatar.ru.

3.6. Objections, explanations and corresponding documents, as well as responses thereto, and explanations and records related to such responses submitted to the Registry Operator will not be returned (regardless of the review findings).

3.7. Disputes regarding effectiveness (validity, conformity) 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 the SMD File to be inaccurate (invalid, fictitious) the Registry Operator may (though is not bound to) decide to satisfy the objection.

4. Requirements to the substance of objections and claim filing timelines

4.1. Objections to refusal to grant priority registration to a domain name

4.1.1. Any applicant non-content with a received refusal to deliver the Priority Registration service may, within five (5) calendar days upon receipt of such a refusal, file an objection thereto. Where the timeline for submission of the objection has been missed, it shall not be reinstated.

4.1.2. The objection shall include the following information:

- (a) full name of the applicant who was denied of the priority registration service (last name, given name(s), middle name(s) (if any) of an individual or the legal entity's full name);
- (b) the applicant's legal address (for legal entities) or address of incorporation and/or address of permanent residence (for individuals), including the official name of the country;
- (c) the applicant's valid e-mail addresses for correspondence regarding the objection;
- (d) name of the registrar who refused the priority registration service, its official website or reference to the fact that the refusal was received from the Registry Operator;
- (e) designation of the Priority Registration period for domain names with regard to which the application was filed (select one from the list below):

- the Sunrise Registration period for trademarks (service marks) registered with the

TMCH,

- the Limited Registration period for government needs;
- the Limited Registration period for individual applicants;

- (f) the domain name with regard to which the application for priority registration was filed;
- (g) a reasonable justification of an unlawful nature of the refusal with reference to paragraphs of the respective Priority Registration Policy;
- (h) a request to honor the application for Priority Registration;
- (i) a list of acts to challenge the refusal of the domain name priority registration the challenger had taken prior to filing that objection, or a reference to the fact that no other acts have been taken;
- (j) consent by an individual objector to processing of his/her personal data specified in the objection by the Registry Operator or any expert(s) engaged by the Registry Operator, and their disclosure in the media, their posting on information and telecommunications networks, or otherwise granting access to those personal data to an unlimited circle of entities;
- (k) the following statement by the objector: "The objector attests that the information and the data herein are complete and accurate and that the objection is not filed with intent to cause damage, or disturb, or prejudice anyone. The objector understands and agrees that it is he or she (rather than the Registry Operator, the registrar, or the Intermediary) who will be fully liable for any restrictions imposed by the Registry Operator in connection with review of the objection to any acts performed with the already registered domain name, and for consequences of such restrictions, as well as for any other restrictions, disturbance, expenses, etc., that the registrant of the registered domain name has faced in connection with the review of the objection where the decision was made to refuse the objection or terminate the proceedings with regard to such an objection."

4.1.3. The objection shall have the following documents attached:

- (a) a copy of the registration agreement with the registrar (or reference thereto);
- (b) a copy of the denial to deliver priority registration services (decision to reject the application) that includes reasons therefor;
- (c) copies of all documents, as well as information and data that were provided to the registrar when applying for priority registration;
- (d) copies of documents in witness of the authority of the person who signed the objection.

There may also be attached thereto other documents that, according to the applicant, may affect a decision on the objection.

4.2. Objection to approval of an application for priority registration

4.2.1. Anyone non-content with the approval of an application for priority registration may, within ten (10) calendar days following the end of the corresponding .TATAR Priority Registration period, file an objection against such an approval. Where the objection submission deadline has been missed, it shall not be reinstated.

4.2.2. The objection should include the following information:

- (a) full name of the objector (last name, given 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 Priority Registration period in which the application was approved (select one from the list below):

- the Sunrise Registration period for trademarks (service marks) registered with the TMCH,

- the Limited Registration period for government needs,
 - the Limited Registration period for individual categories of applicants;
- (e) the domain name the application for which was approved;
- (f) breached paragraph(s) of the respective Priority Registration Policy as well as reasonable justifications for the fact that the application for priority registration was filed and/or approved in violation of one or more Priority Registration terms and conditions set forth in the respective Priority Registration Policy, namely;
- (g) A request to perform a check of the approved application for domain name priority registration;
- (h) a list of acts to challenge the approval of the application for domain name priority registration undertaken by an objector prior to filing the objection or reference to the fact that such acts have not been undertaken;
- (i) consent by an individual objector to the processing of his/her personal data specified in the objection by the Registry Operator or any expert(s) engaged by the Registry Operator, and their disclosure in the media, their posting on information and telecommunications networks, or otherwise granting access to those personal data to an unlimited circle of entities;
- (j) the following statement by the objector: “The objector attests that the information and the data provided herein are complete and accurate and that the objection is not filed with intent to cause damage, or disturb, or prejudice anyone. The objector understands and agrees that it is he or she (rather than the Registry Operator, the registrar, or the Intermediary) who will be fully liable for any restrictions imposed by the Registry Operator in connection with review of the objection to any acts performed with the already registered domain name, and for consequences of such restrictions, as well as for any other restrictions, disturbance, expenses, etc., that the registrant of the registered domain name has faced in connection with the review of the objection where the decision was made to refuse the objection or terminate the objection proceedings.”

4.2.3. The objections may be supported by any records that, according to the objector, can in one way or another affect a decision on the objection and also serve as evidence that application for domain name priority registration was filed and/or approved in violation of the terms and conditions of the Priority Registration.

5. The objection review procedure

5.1. **Recording the objection.** An incoming objection shall be registered in the Registry Operator’s automated request processing system and an incoming reference number shall be assigned thereto. The incoming reference number is emailed to the objector.

5.2. Acceptance of the objection for review

5.2.1. The Registry Operator shall within two (2) business days upon receipt of the objection check the objection for conformity with the requirements to its execution and substance and procedures of and timelines for filing objections, etc.

5.2.2. Where the objection has been filed in violation of the requirements provided for by this Policy, the Registry Operator may suggest the objector should remedy any detected deficiencies within a prescribed term which ordinarily does not exceed two (2) business days following the date of dispatch of such a suggestion.

5.2.3. The objection shall not be accepted for review if:

- the objector failed to comply with all the requirements to execution and the filing procedure (**Article 3** of the present Policy); and/or
- the objector failed to meet the objection filing timelines (**Article 4** of this Policy); and/or
- the objection does not contain all the required information (**Article 4** of this Policy), and/or

- the objection is not accompanied by all the necessary documents (**Article 4** of this Policy), and/or

- despite the suggestion to remedy the deficiencies in the objection, the objector failed to do so within the prescribed time, and/or

- the objection includes information unrelated to the .TATAR domain (eg., the objection concerns a domain name registered in a domain other than .TATAR), etc.

5.2.4. The objector shall be notified by email of acceptance of the objection for review, as well as of any refusal (with reference to the reason therefor) to review the objection.

5.2.5. All objections shall be reviewed basing solely on written documents, without any hearings.

5.3. Review of the objection to a refusal to deliver the priority registration service

5.3.1. The objection to a refusal to provide priority registration services shall be reviewed within no more than fifteen (15) calendar days following the acceptance of the objection for review either by the Registry Operator or an Intermediary engaged by the Registry Operator.

5.3.2. During the whole length of the review of the objection, the Registry Operator shall be entitled to (i) impose a ban on performing any acts with regard to the already registered domain name (of which the registrant and the registrar sponsoring such a domain name shall be notified as of the date of imposition of such a ban), and (ii) suspend the already commenced auction (of which all its participants, auction attendants and registrars whose clients participate in the auction shall be notified as of the date of such a suspension taking effect)

5.3.3. The Registry Operator and/or the Intermediary may demand from the objector to provide any explanations, additional information, records, data, information, documents, etc. necessary for making a decision on the objection. The objector must supply such additional explanations, additional information, records, data, information, and documents within two (2) business days following the day the Registry Operator dispatches such a request by electronic mail.

Failure to provide the requested explanations, additional information, records, data, information, documents, etc. shall not constitute an obstacle to making a decision on the objection.

Explanations, additional information, records, data, information, documents, etc. submitted in violation of the deadline or the established requirements to their format and/or filing procedure (**Article 3** of the present Policy) may not be accepted or taken into account while making a decision on the objection.

5.3.4. The Registry Operator shall notify by electronic mail the objector, as well as the registrant and the registrar sponsoring the registered domain name concerned of any decision made on the objection (compliance with, or dismissal of, the objection or termination of the objection proceedings).

5.4. Review of an objection to approval of the application for priority registration

5.4.1. On the date of acceptance of the objection for review, the Registry Operator shall notify the defendant thereof by dispatching a copy of such an objection by electronic mail.

5.4.2. The objection against the approval of an application for priority registration shall be reviewed within no more than thirty (30) calendar days following its acceptance for review by the Registry Operator or an Intermediary engaged 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 acts with the already registered domain name (of which the registrant and the registrar sponsoring such a domain name shall be notified as of the date of imposition of such a ban), and (ii) suspend any already commenced auction (of which all its participants, attendants and registrars whose clients participate in the auction shall be notified on the date of such a suspension taking effect).

5.4.4. The defendant may, within two (2) business days since the date of dispatch by electronic mail by the Registry Operator of the notification of acceptance of the objection for review, provide

the Registry Operator with a substantiated response to the objection which should contain evidence of the absence of violation of the Priority Registration terms and conditions, as well as explanations, additional information, records, data, information, documents, etc. which will be taken into account when making decision on the objection.

Failure to produce the review, as well as explanations, additional information, records, data, information, documents, etc. shall not constitute an obstacle in making decision on the objection.

The review, explanations, additional information, records, data, information, documents, etc., submitted in violation of the deadline or the statutory requirements to their format and/or filing procedure (**Article 3** of this Policy) may be not accepted or taken into account when making decision on the objection.

- 5.4.5. The Registry Operator shall notify the objector, as well as the registrant and the registrar sponsoring a registered domain name concerned by electronic mail of any decision made on the objection (compliance with, or dismissal of, the objection or termination of the objection proceedings).

5.5. Termination of the objection proceedings

- 5.5.1. The objection proceedings may be terminated (at the Registry Operator or an Intermediary's discretion) due to a filing of an appropriate petition to the court (or arbitration court).
- 5.5.2. The objector(s) has the right to withdraw the objection at any time. In that case, the objection proceedings shall be terminated.

6. Final provisions

- 6.1. The present Policy constitutes an addendum (integral part) to the Terms and Conditions of Domain Name Registrations in .TATAR gTLD.
- 6.2. The present Policy takes effect as of the first above written date and shall remain effective until a respective decision by the Registry Operator (whether of termination of the present Policy, or any other such a decision) is made. Termination of the effect of the present Policy does not acquit the parties concerned of obligations created prior to that termination, nor does it acquit the parties concerned of responsibility for failure to comply (unduly compliance) with it.
- 6.3. By the decision of the Registry Operator the present Policy can at any time be modified, supplemented, updated, adopted in a new wording, etc. The procedure and conditions of introducing modifications, supplements, updates, adoption of the present Policy in a new wording or its revocation are established in the Terms and Conditions of Domain Name Registrations in .TATAR gTLD.