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## **“.TOP” Start-up Information**

### **1 Overview**

Bases on current terms and conditions as well as ICANN’ s Right Protection Mechanism, New gTLD Collision Occurrence Management Plan and other requirements and applicable laws, .TOP Registry has come into the start-up information statement as below.

### **2 Policies**

#### **2.1 Sunrise Policies**

##### **2.1.1 Sunrise Registration**

The New gTLD, .TOP, will offer a 30-day Sunrise, namely the Start Date Sunrise, as the Rights Protection Mechanism for trademark holders before the General Registration. The beginning and ending dates for sunrise are published on .TOP website, www.nic.TOP. During the Sunrise, only SMD File holders (or their agents) will be authorized to submit Sunrise Applications.

##### **2.1.2 Application Process**

The following process applies to Sunrise Applications:

- 1) SMD files should be submitted with Sunrise Applications;
- 2) SMD files are validated by the Registry. Applications without a valid SMD File or with an invalid SMD File will be rejected by the Registry;
- 3) The applications with SMD files valid will go through evaluations by the Registry;
- 4) All qualified applications received during the Sunrise Period will be allocated to the applicant during the Quiet Period. If two or more Valid Sunrise Applications are received, .TOP Registry will evaluate relevant applications and make the allocation on its discretion.

##### **2.1.3 Sunrise Dispute Resolution**

###### **2.1.3.1 Purpose**

This Sunrise Dispute Resolution Policy (the "Policy") has been adopted by the Jiangsu Bangning Science & technology Co.,Ltd.(BANGNING), the Registry of <.TOP> Top Level Domain (TLD), and is incorporated by reference into the Registration Agreement. The Policy applies to domain names originally registered during the Sunrise Registration Period. It sets forth the process and standard that will be applied to resolve disputes between a holder/registrant of a domain name registered in the above Sunrise Registration Period and any party other than BANGNING and the registrar, in relation to whether the Sunrise Registration of a second-level domain name in the .TOP TLD has been in compliance with the terms and conditions of the Registration Agreement and Rules of Registration.

Proceedings under Paragraph 2 of the Policy will be conducted according to the Asian Domain Name Dispute Resolution Centre (ADNDRC) Rules for Top Level Domain Name Sunrise Dispute Resolution Policy (the "Rules").

###### **2.1.3.2 Mandatory Administrative Proceeding**

This Paragraph sets forth the type of disputes for which a domain name holder/registrant is required to submit to a mandatory administrative proceeding. These proceedings will be administered by the Asian Domain Name Dispute Resolution Centre ("ADNDRC").

#### **a. Applicable Disputes**

A registered domain name in the TLD will be subject to an administrative proceeding upon submission of a complaint that a third party (the "Complainant") asserts to ADNDRC, in

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compliance with the Rules, that the sunrise registration should be cancelled based on one or more of the following criteria:

(i) at time the domain name was registered, the registrant did not hold a trademark registration which has been verified by the Trademark Clearinghouse and which meets the eligibility requirements for the .topTLD; or

(ii) the domain name is not identical to the mark on which the registrant based for completing the Sunrise registration; or

(iii) the trademark registration on which the domain name registrant based in the Sunrise registration was not issued on or before the date specified in the Registration Agreement.

All complaints under the Policy must be submitted to ADNDRC on or before 15 February 2015 (UTC+8).

**b. Decision**

The complaint will be decided by the Panelist who is appointed by ADNDRC from its own list. The Panelist's decision of whether a complaint meets the conditions set forth in Paragraph 2(a) will be based solely on a prima facie examination of any trademark or service mark certificates submitted. The Panelist's decision is of an administrative nature. The Panelist shall be required to state reasons for its decision.

**c. Initiation of Proceeding**

The Rules state the process for initiating and conducting a proceeding under the Policy.

**d. BANGNING' s and Registrar' s Involvement in Administrative Proceedings**

BANGNING and registrars do not, and will not, participate in the administration or conduct of any proceeding before ADNDRC under the Policy. In addition, the BANGNING and registrars will not be liable as a result of any decisions rendered by ADNDRC.

**e. Remedy**

The remedy available to a Complaint under this Policy shall be limited to requiring the cancellation of a domain name registration. The Cancelled domain name shall be returned to the pool of available names for registration.

**f. Notification**

ADNDRC shall publish, in accordance with the Rules, any decision made under the Policy.

**g. Implementation of the Decision**

Upon being notified of the Panel' s decision by ADNDRC, BANGNING and the applicable registrar will implement the decision in accordance with and subject to paragraph 2 (i) of the Policy and the sunrise registration conditions set forth in the Registration Agreement.

**h. Multiple Complaints**

In the event more than one complaint is submitted to ADNDRC regarding the same domain name, the following shall apply:

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(i) All such complaints will be queued in accordance with the date and time they were received by ADNDRC. The first complaint to be filed will be granted priority, provided ADNDRC is satisfied that the complainant concerned paid the complainant's fee in accordance with the Rules (the "Priority Complaint" and the "Priority Complainant").

(ii) If the Panelist finds that the complainant failed to prove at least one of the criteria as set forth in Paragraph 2(a) of the Policy, the proceeding of the Priority Complaint shall be dismissed. The second complainant in the queue will then become the Priority Complainant of the queue.

(iii) If the Panelist finds that at least one of the criteria as set forth in Paragraph 2(a) of the Policy is successfully proved by the Priority Complainant, the Priority Complaint will be granted. The domain name will be returned to the pool of available domain names in accordance with the BANGNING's procedures for cancelled domain name registrations. The remaining complaint(s) in the queue shall not be accepted.

#### **i. Availability of Court Proceedings**

The mandatory administrative proceeding requirements set forth in Paragraph 2(a) shall not prevent either party from submitting the dispute to a court of competent jurisdiction for independent resolution before such mandatory administrative proceeding is commenced or after such proceeding is concluded. If an Administrative Panel decides that the domain name registration should be canceled, BANGNING shall wait for ten (10) business days after communication of the decision before implementing that decision, unless the registrant submits to BANGNING (with a copy to the relevant office of ADNDRC) during that ten (10) day period official documentation (such as a copy of a complaint, file-stamped by the clerk of the court) that the registrant has commenced a lawsuit to preserve its claimed rights in a court of competent jurisdiction over the parties and the registered domain name. If such documentation is received no further action shall be taken until BANGNING receives (i) evidence satisfactory to BANGNING of an agreed resolution between the parties; (ii) evidence satisfactory to BANGNING that registrant's lawsuit has been dismissed or withdrawn; or (iii) a copy of an order from such court dismissing such lawsuit or otherwise directing disposition of the registered domain name.

##### **2.1.3.3 Maintaining the Status Quo**

BANGNING and the applicable registrar will not cancel, transfer, activate, deactivate, or otherwise change the status of any domain name registration subject to the Policy, except as provided in Paragraph 2 above.

##### **2.1.3.4 Relation to Other Dispute Resolution Policies**

This Policy is in addition to and complementary with the Uniform Domain Name Dispute Resolution Policy ("UDRP"), the Uniform Rapid Suspension System ("URS") and any eligibility dispute resolution policies adopted by ICANN or BANGNING.

##### **2.1.3.5 Effect of Other Proceedings**

The administrative proceeding under the this Policy shall not prevent either party from submitting a dispute concerning the registered second level domain name in the TLD <.TOP> to concurrent administrative proceedings or to a court of competent jurisdiction for independent resolution during a pending administrative proceeding under this Policy or after such proceeding is concluded.

Upon notice of such other proceeding, the administrative panel may, in its sole discretion, suspend, terminate or continue the dispute resolution proceeding under this Policy.

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### **2.1.3.6 Transfers of a Domain Name to another Holder**

A domain name involved in dispute resolution proceeding under this Policy will be locked against transfer to another domain name holder or another registrar until the completion of the proceedings. The contact details of the holder of a domain name, against which a complaint has been filed under this Policy, will be as shown in the registrar's publicly available Whois database record for the relevant registrant.

BANGNING and the applicable registrar reserve the right to cancel any transfer of a domain name registration to another holder that is made in violation of this subparagraph.

### **2.1.3.7 Policy Modifications.**

BANGNING may modify the Policy from time to time, and the modified Policy shall be posted on BANGNING's and/or ADNDRC's websites at least thirty (30) calendar days before it becomes effective. Unless the Policy has already been invoked by the submission of a complaint to ADNDRC, in which event the version of the Policy in effect at the time it was invoked will apply until the dispute is concluded, the modified Policy will be binding upon complainant and holder/registrar with respect to any sunrise dispute concerning a domain name under the TLD <.TOP>, whether the dispute arose before, on or after the effective date of the change. In the event that holder/registrar objects to a change in the Policy, the sole remedy is to cancel the domain name registration, provided that holder/registrar will not be entitled to a refund of any fees paid in connection with such registration.

## **2.2 General Registration Policies**

General Registration commences after conclusion of the Sunrise Period and their subsequent quiet periods. During General Registration Period, available domain names in the TLD are open to the general public for registration. General Registration applications must meet all .TOP Policies and ICANN requirements. Valid applications will be allocated on a first-come, first-served basis.

As required in Rights Protection Mechanism, during the first ninety (90) calendar days of the General Registration, Registry Operators must provide the Claims Services. .TOP Registry shall provide "Claims Services" during the first ninety (90) calendar days of its General Registration.

## **2.3 Anti-Abuse Policy**

With the goals and mission of a stable and secure operation of .TOP, based on applicable laws and ICANN requirements, .TOP Registry has come into the Anti-abuse Policy.

It is required by .TOP Registry that all registered domain name holders has to enter into an electronic or paper registration agreement with the sponsoring registrar. The agreement shall comply with all the applicable laws and ICANN requirements.

.TOP Registry expressly prohibits abusive use of a domain name for any illegal or fraudulent activities, including but not limited to, distributing malware, abusively operating botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

.TOP Registry reserves the right, at its sole discretion and at any time and without limitation, to deny, suspend, cancel, redirect, or transfer any registration or transaction, or place any domain name(s) on registry lock, hold, or similar status as it determines necessary to the domain name that in abusive use.

.TOP Registry will periodically conduct a technical analysis to assess whether domains in .TOP

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being used to perpetrate security threats, such as pharming, phishing, malware, and botnets..TOP Registry will also provide an abuse point of contact email address which can be found on .TOP Registry website to allow multiple staff members to monitor and address abuse reports.

## **2.4 Domain Name Label Requirements**

.TOP Registry will accept an application that complies with the requirements as defined below:

ASCII strings must meet the requirements below:

1. cannot exceed 63 characters (not including the TLD);
2. must consist of A-Z (case insensitive), the digits (0-9) and hyphen (-) only;
3. contain at least one character;
4. cannot start or end with a hyphen (-);
5. cannot contain hyphens in the third and fourth character positions (-).

## **2.5 Reserved Names**

### **2.5.1 Reserved Names Required by ICANN**

.TOP Registry shall comply with ICANN' s requirements on mandated reserved names, which include:

- a. The ASCII label “EXAMPLE” .
- b. All two-character ASCII labels (including 00 to 99).
- c. Labels reserved for registry operations.
- d. Country and Territory Names.
- e. International Olympic Committee; International Red Cross and Red Crescent Movement.
- f. Intergovernmental Organizations.
- g. Second level names blocked under ICANN' s “New gTLD Collision Occurrence Management Plan” .

The reserved names are open for update according to ICANN' s notification.

### **2.5.2 Reserved Names Required by Local Laws and Regulations**

According to The Measures for the Administration of Internet Domain Names (Regulation No. 30) published by the Ministry of Industry and Information Technology of the People's Republic of China stipulate, .TOP Registry shall block the domains names identified as below from registration:

- a. Oppose the fundamental principles of the Constitution;
- b. Compromise national security, divulge state secrets, subvert the government or damage national unity;
- c. Damage national honor and interest;
- d. Incite ethnic hatred or ethnic discrimination, undermining people unity;
- e. Violate state religion policies or propagate heretical teachings or feudal superstitions;
- f. Spread rumors, disturb social order or undermine social stability;
- g. Spread obscenity, pornography, gambling, violence, murder, terrorism or incite the commission of crimes;
- h. Insult or slander others or infringe upon the legitimate rights and interests of a third party; or
- i. Contain other content prohibited by laws and administrative regulations.”

The rules and reserved names are open for update according to relevant notification from the

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Authority.

### **2.5.3 Names Reserved by Registry**

.TOP Registry reserves the right to reserve domain names for the purposes of marketing. .TOP Registry is entitled to allocate the reserved names for sale from time to time in its operation.

### **3 Registry' s Rights to Startup Information**

The policies contained in the Start-up Information are subject to change and update in .TOP Registry' s discretion from time to time to comply with applicable laws and ICANN requirements. Internet users are encouraged to go to .TOP website for the most recent policies and notification.