



.bzh Sunrise Dispute Resolution Policy (SDRP)

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Domains which are registered during the Sunrise Period may be the subject of the complaint procedure under the *.bzh* Sunrise Dispute Resolution Policy (“SDRP”).

This Sunrise Dispute Resolution Policy (the “SDRP”) is incorporated by reference to the agreement entered into by a registrant at the time of registration of a domain name registered under the *.bzh* TLD.

This SDRP describes the process and standards that will be applied to resolve challenges to domain names improperly registered or denied during the Sunrise Registration period of the *.bzh* TLD. This SDRP will not be applied to Registry-reserved names in the TLD or to domain names registered following any Limited Period of the Launch Program.

This SDRP shall become effective as of September 4, 2014.

1 - Applicable Disputes

An allocated Domain Name under the TLD will be subject to an administrative procedure upon submission of a complaint that the Sunrise Registration or denial of a Sunrise registration was improper under one or more of the following criteria:

1.1. Improper Sunrise Registration-Trademarks

A complaint under this section shall be required to show by reasonable evidence that a registered domain name in the *.bzh* TLD does not comply with the provisions of the Registry Operator’s Sunrise Eligibilities Requirements. The complaint must prove one or more of the following items:

- i. At the time the challenged domain name was registered, the registrant did not hold a trademark registration with national effect (or regional effect) or the trademark had not been court-validated or protected by a statute or treaty;
- ii. The Domain Name is not identical to the mark on which the Registrant based its Sunrise registration; or



- iii. The trademark registration on which the registrant based its Sunrise registration is not of national effect or the trademark had not been court-validated or protected by a statute or treaty.

1.2. Improper denial of Sunrise Allocation

- i. A complaint under this section shall be required to show reasonable evidence that the Registry Operator failed to allocate a *.bzh* domain name that was applied for in compliance with the Sunrise Eligibility Requirements;
- ii. In addition, to pursue the remedies set forth in Section 5.2 below, the complainant must notify the Registry Operator within the ten (10) calendar days following the Registry Operator's decision to deny allocation of the domain name of its intention to submit a complaint under this SDRP. Such notice must be in writing.

2 - SDRP Effective Dates

Any SDRP claim brought under this Policy for Domain Names registered in the *.bzh* TLD shall be brought no later than sixty (60) calendar days after the end of the Sunrise Period.

3 - Documents in proof

Panelists shall review the Registry's Sunrise Eligibility Requirements, found in the *.bzh* Launch Plan, which must be submitted with the complaint, as applicable, before making a decision.

4 – Defenses

Harmless error. A Respondent may produce evidence to show that, although the Sunrise registration was granted based on the submission of the wrong documents, or documents containing an error, true and correct documents in proof existed at the time the Sunrise registration was applied for and, thus, the registration would have been granted.



5 - Remedies

The remedies available to a complainant for a procedure under this SDRP shall be limited to:

5.1. Improper Sunrise Registration

If the complaint is filed under Section 1.1 of this SDRP, any ongoing auction process will be suspended until the dispute is resolved.

If the Panelists find that the domain name was improperly allocated during the Sunrise Period, the following remedies shall apply:

1. If the complainant submitted a Sunrise-eligible application for the disputed domain name, the disputed domain name will be registered in favor of the complainant, provided that the complainant has the only existing Sunrise eligible application. If there is more than one eligible Sunrise application for that domain name, the auction process will continue for the remaining Sunrise eligible applications, including that of the complainant;
2. If the complainant applied for the disputed domain name based on a lower priority right (e.g. during the Public Administrations and Associations Limited Registration Period) and the complainant's application was rejected for being of lower priority in the hierarchy than that improperly allocated, the disputed domain name will be allocated following the hierarchy criteria of the *.bzh* Launch program;
3. If no other eligible applications have been submitted for the disputed domain name during Sunrise or other lower-priority periods of the *.bzh* Launch Phase, the disputed allocation will be cancelled and it will be returned to the pool of names available for General Registration in the *.bzh* TLD.

5.2. Improper Denial of Sunrise Registration

If the complaint is filed under Section 1.2 of this SDRP, any ongoing auction process will be suspended until the dispute is resolved.



If the Panelists find that the application was improperly denied during the Sunrise Period, the following remedies will apply:

5.2.1. If the disputed domain name has not yet been allocated:

- i. it will be registered in favor of the complainant, provided that the complainant has the only existing Sunrise eligible application; or
- ii. if there is more than one Sunrise eligible application for that domain name, the contention resolution process will begin or continue for the remaining Sunrise eligible applications, including that of the complainant.

5.2.2. If the disputed domain name has already been allocated in favor of a third party that fulfilled the Sunrise Eligibility Requirements, the domain name will go to contention, provided that the complainant notified the Registry Operator in due time of its intention to submit a complaint pursuant to Section 1.2 (ii) of this SDRP.

5.2.3. If the disputed domain name has already been allocated in favor of a third party with an inferior right than that of the complainant, the domain name will be registered in favor of the complainant provided that the complainant notified the Registry Operator in due time of its intention to submit a pursuant to Section 1.2 (ii) of this SDRP.

6. Procedure

6.1. Complaint

To challenge a registration allocated or rejected in the Sunrise Period, the applicant must:

- i. Submit to the Registry Operator a written challenge proving that the domain name allocation or denial of allocation during the Sunrise Period was improper under one or more of the criteria set forth in this SDRP, along with supporting documentation. Challenges must be sent via email to sdrp@nic.bzh;

And



- i Pay a Procedure Fee to the Registry Operator.

6.2. Statement of Defense

The applicant or registrant of a disputed domain name in the TLD shall be promptly notified by the Registry Operator of the commencement of a dispute under this SDRP, and may contest the allegations of the complaint or show other cause why the remedy requested in the complaint should not be granted in accordance with this SDRP.

In all cases, the burden of proof shall be on the complainant, and default or other failure of the applicant or holder of the disputed domain name shall not constitute an admission to any allegation of the complaint.

6.3. Decisions

The Registry Operator will assess the challenge, its claims and supporting documentation. The Registry Operator may ask for further information from the applicant and/or the domain Name holder in order to make an informed decision. Within ten (10) calendar days after gathering all the required information, the Registry Operator will make a decision on whether the challenge should prevail and will notify the interested parties via email.

If a Decision requires a change to the status of a registered domain name, the Registry Operator will implement it within the following ten (10) business days after communication of the decision to all the parties involved.

Parties to a dispute under this SDRP shall warrant that all factual allegations made in the course thereof are true and correct to the best of their knowledge, shall remain subject to all representations and warranties made in the course of registration of a disputed domain name.

7 - Indemnification

The Parties shall:

- i Hold the registrar, the Registry Operator and the Panelist harmless from any claim arising from operation of the SDRP;



- ii. Not name the registrar, Registry Operator or Panelist(s) as a party or otherwise include the registrar, Registry or Panelist(s) in any judicial procedure relating to the dispute or the administration of the SDRP policy; and
- iii. Indemnify, defend and hold harmless the registrar, Registry and Panelist(s) and their respective employees, contractors, agents and service providers from any claim arising from the conduct or result of a procedure under this SDRP. Neither the registrar, the Registry, the Panelist nor their respective employees, contractors, agents or service providers shall be liable to a party for any act or omission in connection with any administrative proceeding under this SDRP or the corresponding Rules.

The complainant shall be directly and solely liable to the registrant in the event the complaint is granted in circumstances where the registrant is lawfully entitled to registration and use of registered domain name(s) in the TLD.

8 - Relation to other Dispute Resolution Policies

This SDRP is additional and complementary to the Uniform Domain Name Dispute Resolution Policy (“UDRP”), the Uniform Rapid Suspension System (“URS”) and any other mandatory dispute policies adopted by ICANN and/or the Registry Operator.

9 - SDRP Modifications

The Registry Operator reserves the right to modify this SDRP at any time. Such revised SDRP shall be posted at least thirty (30) calendar days before it becomes effective; unless this SDRP has already been invoked by the submission of a complaint, in which event the version of the SDRP in effect at the time it was invoked will apply until the dispute is concluded. In the event that the registrant objects to a change in this SDRP, the sole remedy is to cancel the registration, provided that the registrant is not entitled to a refund of any fees paid in connection with such registration.