

Translation from German

# .tirol Landrush Guidelines

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

## Contents

1.	Management summary .....	3
2.	Definitions .....	3
3.	Subject matter and applicability .....	3
4.	Registration requirements .....	4
4.1	Relation to Tyrol as a criterion .....	4
5.	The application .....	4
5.1	Submission .....	5
5.1.1	Place of application, partner .....	5
5.1.2	Form of application .....	5
5.1.3	Language .....	5
5.1.4	Contents of the application .....	5
5.1.5	Evidence .....	6
5.1.6	Costs and payment .....	6
5.2	Further processing .....	6
5.2.1	Notification of the TMCH (claims service) .....	6
5.2.2	Acknowledgement of receipt by punkt Tirol GmbH .....	6
5.2.3	Check for completeness .....	7
5.2.4	Matching against lock lists .....	7
5.2.5	Form of matching strings .....	7
5.2.6	Withdrawal of the application .....	7
5.2.7	Entry in the landrush database .....	7
6.	Processing of applications in the cool-off period .....	8
6.1	Contention procedure .....	8
7.	Registration procedure .....	8
7.1	Entry in the WHOIS Database .....	8
8.	Alternative dispute resolution (= conciliation) procedure .....	9
9.	Other provisions .....	9

## 1. Management summary

These Guidelines are part of the documents for the starting phase of the .tirol Top-Level Domain. The regulations will be applied in the second phase of the market launch. Following the Sunrise (= protection) Phase of at least 30 days and the subsequent cool-off period the Domains will be assigned in the Landrush (= competition) Phase. This phase is characterised by the following provisions:

- All Applicants must have a relation to Tyrol and substantiate the same in accordance with the General Guidelines for Setting Up and Function of the .tirol Top-Level Domain.
- Domains are assigned for a period of at least 30 days according to the best bidder principle and not according to the priority principle, which has been provided for the subsequent open Registration.
- Apart from their relation to Tyrol the Applicants need not fulfil any other prerequisites.
- This phase is likewise open to legal entities and private individuals.

In the sense of a *lex specialis* these Guidelines include the particularities and the procedure for the Landrush Phase and are supplementary to the General Guidelines for Setting Up and Function of the .tirol Top-Level Domain and the General Terms and Conditions of punkt.tirol GmbH.

## 2. Definitions

The definitions of Clause 2 of the General Guidelines for Setting Up and Function of the .tirol Top-Level Domain shall apply.

## 3. Subject matter and applicability

These landrush (= competition) rules together with the General Terms and Conditions and the General Guidelines for Setting Up and Function of the .tirol Top-Level Domain contain a detailed description of all technical and administrative measures taken by punkt Tirol GmbH to warrant proper, fair and technically solid handling of the second phase (= Landrush or competition phase) of the start-up of the .tirol Top-Level Domain. The landrush rules apply to all Applications which are filed during that phase.

## 4. Registration requirements

The provisions stated herein apply together with the documents listed in Clause 1.3 of the General Terms and Conditions of punkt.tirol GmbH.

The Applicants represent that they meet the Registration requirements. They are aware of the fact that incorrect information may lead to revocation of the Domain by means of subsequent review proceedings.

### 4.1 Relation to Tyrol as a criterion

The following persons are eligible for Registration of a domain name under the .tirol Top-Level Domain:

- any natural person,
- any legal person

intending to show an economic, cultural, tourist, historical, social or other affinity with the Austrian federal state: Tyrol. Every Applicant must confirm his relation to Tyrol in his Application. The confirmation serves to substantiate the relation to Tyrol vis-à-vis punkt Tirol GmbH. No further acknowledgement can be concluded from the fact that punkt Tirol GmbH carries out no in-depth check in the course of the Registration procedure. In particular, punkt Tirol GmbH shall not be liable if the relation to Tyrol is denied in the course of conciliation proceedings instituted by third parties.

## 5. The application

Domains will exclusively be registered on the basis of an Application via a 2013RAA Registrar. By filing his first request the Applicant accepts the terms and conditions of punkt Tirol GmbH and submits to the alternative dispute resolution procedures stated below.

The Applicant further acknowledges the fact that punkt Tirol GmbH assumes no liability whatsoever for Registration of Domains and that any disputes between Applicants over an identical String will be settled in a dispute resolution procedure upon completion of Registration.

The Applicant submits to the regulations of the contention procedure and states that he will be liable for any bids in this procedure. If the Applicant refuses to pay for bids

he shall be liable for damages vis-à-vis punkt Tirol GmbH for lost profit and other pecuniary damage.

## **5.1 Submission**

### **5.1.1 Place of application, partner**

domain names may only be applied for by a 2013RAA Registrar.

### **5.1.2 Form of application**

Applications are made by completing the form which is made available electronically.

### **5.1.3 Language**

The Registration may be effected in German or English.

### **5.1.4 Contents of the application**

A request for Registration of a Domain shall only be deemed complete if the Applicant, via the 2013RAA Registrar, at least provides punkt Tirol GmbH with the full details listed in the .tirol WHOIS Policy, and in particular with the following contents:

- full name of the Applicant; if no name of a business or an organisation is stated, it will be assumed that the Applicant is the individual applying for Registration of the domain name; if a name of a business or organisation is stated, it will be assumed that the Applicant is the business or the organisation;
- address and country where
  - the registered office and business address or the service address of the organisation or association is, if the Applicant is a legal person, and
  - the person is domiciled (habitually resident), if the Applicant is a natural person;
- in addition, if available, an address in Tyrol has to be stated;
- the Applicant's (or his representative's) email address via which further communication regarding the Application is to be sent;
- a phone number at which the Applicant (or his representative) can be reached;

- the language to be used for evidence;
- the String (domain name) applied for;
- a confirmation to the effect that the nexus conditions defined in Clause 4.1 are fulfilled.

### **5.1.5 Evidence**

Apart from the confirmation of the relation to Tyrol to be provided by the Applicant himself no further evidence is required.

### **5.1.6 Costs and payment**

The Application fee will be collected by the 2013RAA Registrar and forwarded to punkt Tirol GmbH. punkt Tirol GmbH assumes no liability for timely receipt of the amount paid to the 2013RAA Registrar by punkt Tirol GmbH.

## **5.2 Further processing**

### **5.2.1 Notification of the TMCH (claims service)**

If the String applied for is identical with a term stored with the Trademark Clearinghouse, the candidate will be informed via a PopUp message about the fact that there is one/are several holder(s) of rights to the relevant String during the Application process. Thus, the Applicant will be informed by punkt Tirol GmbH via the 2013RAA Registrar about potential conflicts with holders of other rights. If he continues the Registration process the holders of rights registered with the Trademark Clearinghouse will be notified thereof.

### **5.2.2 Acknowledgement of receipt by punkt Tirol GmbH**

Upon receipt of the Application punkt Tirol GmbH will send an acknowledgement via email including a Registration code to the Applicant and to the forwarding 2013RAA Registrar. The Applicant will be asked to keep the Registration code secret as it constitutes the key for communication with punkt Tirol GmbH with respect to the Application made.

### **5.2.3 Check for completeness**

The Application will be made subject to an automated check for completeness and plausibility. If it is found that specific points have to be improved, the Applicant will be notified via email with reference to the Registration code. The Applicant will be given an opportunity to improve his Application by the end of the competition phase.

### **5.2.4 Matching against lock lists**

Incoming Applications are matched against the lock lists of punkt Tirol GmbH (see Clause 5 of the General Guidelines for Setting Up and Function of the .tirol Top-Level Domain). If a String that has been applied for is identical with a locked String, the Applicant will be contacted by the Registry and informed about the rejection of the Application. Possible further steps (depending on the lock list) will be advised by punkt Tirol GmbH.

### **5.2.5 Form of matching strings**

The Strings applied for will be matched against the database of punkt Tirol GmbH for identical matches. Similarities (e.g. typing errors) with existing Strings, trademarks or rights to a name will not be checked.

### **5.2.6 Withdrawal of the application**

The Applicant is entitled to withdraw his Application at any time. The relevant notification of punkt Tirol GmbH shall include the Registration code. There will be no claim to a refund of the Application fee. Any refund will exclusively be made via the 2013RAA Registrar.

### **5.2.7 Entry in the landrush database**

An Application shall be deemed made if the Application is received during the Landrush (= competition) Phase free from errors in terms of contents or form and if the String is not listed in any of the lock lists. If these criteria are met, the Application will be entered in the landrush database and the Applicant will be notified thereof via email.

## **6. Processing of applications in the cool-off period**

Timely and complete Applications that are stored in the landrush database will be processed in the cool-off period that follows the Landrush Phase.

The Applications received will be closed and Domains will be allocated not earlier than one week after the end of the Landrush Phase to allow other holders of rights, if any, to apply for the .tirol Sign Procedure.

Applications for an unambiguous String for which there are no other candidates will be registered upon positive verification, with no additional Registration procedure being required (see Clause 7).

Applications for identical Strings will go through a contention procedure to determine the winning Applicant.

### **6.1 Contention procedure**

The contention procedure between two or among several Applicants is an Auction. For details please see the *Auction Guidelines for the .tirol Top-Level Domain*.

## **7. Registration procedure**

Upon successful processing of an Application the Application will be transitioned into a Registration by the punkt Tirol GmbH. The Domain will be managed by the 2013RAA Registrar that applied for the Domain.

### **7.1 Entry in the WHOIS Database**

The functions of the WHOIS Database are described in the .tirol WHOIS Policy. The entry will be made in the course of Registration of the new Domain.



## **8. 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 reacting appropriately, where necessary.

After punkt tirol GmbH has notified the Applicants of an upcoming Auction the Applicants and third parties may also claim Signs in the context of the .tirol Sign Procedure.

## **9. 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.