Launch Policy

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Contents

1   Definitions

In this policy:

Allocation means the method by which a domain name is created and assigned to an **Applicant**, **Allocated** shall have a corresponding meaning.

Applicant means a natural person, company or organisation in whose name an Application is submitted.

Application means the complete and technically correct request for a domain name, which complies with this policy and any other policy issued by us, or ICANN.

Claims Notice means a notice provided to an Applicant indicating that the applied for Label is a Trademark Match to a Trademark Record in the Trademark Clearinghouse.

Claims Period means any period during which the Claims Services are provided.

Claims Services means the services that collectively provide:

- Applicants with a Claims Notice, and

- Trademark Holders with a corresponding Trademark Record with notice that a Label that is a Trademark Match to the Trademark Record.

Eligible for Allocation means a domain name that we assign, designate or otherwise earmark to an Applicant.

General Availability means the point in time following which requests to register a domain name may be received from any eligible party on a first come, first served basis.

ICANN means the Internet Corporation for Assigned Names and Numbers, its successors and assigns.

Label means a string of characters used to form part of a domain name. The elements of a domain name and their composition are more fully described in our Registration Policy.

Launch Program means the Sunrise Period and Claims Period described in this document but does not include General Availability.

Registrant means a natural person, company or organisation in whose name a domain name is Allocated in the TLD.

Registrar means an entity that is authorised to offer domain name registrar services in relation to the TLD.

Registry means the systems used to record, store and maintain details of domain names in the TLD.

Services means the services that we provide in relation to the TLD.

SMD File means the Signed Mark Data file provided by the TMCH Sunrise and Claims Operator to a holder of a Validated Mark which is encoded with information such as the Labels that may be Allocated during a Sunrise Period.

Sunrise Eligibility Requirements means the requirements outlined in this policy that an Applicant must meet to participate in the Sunrise Period.

Sunrise Period means the period during which Sunrise-Eligible Rights Holders have the opportunity to submit an Application for a domain name in the TLD prior to General Availability, specified at http://trademark-clearinghouse.com/sunrise.

Sunrise-Eligible Rights Holders means Trademark Holders who have been issued with a SMD File from the TMCH Sunrise and Claims Operator and meet the Sunrise Eligibility Requirements specified in this policy.

TLD means Top Level Domain and for the purpose of this policy **the TLD** means .krd

TMCH Sunrise and Claims Operator means the providers appointed by ICANN to serve as the Trademark Clearinghouse by accepting, authenticating, validating and facilitating the transmission of information related to certain trademarks.

Trademark Clearinghouse Guidelines means the guidelines which can be found at the following link www.trademark-clearinghouse.com (as may be updated from time to time) which provide an overview of the requirements for the inclusion of trademarks in the Trademark Clearinghouse and the issuance of a SMD File.

Trademark Clearinghouse or **TMCH** means the central repository for information to be authenticated, stored, and disseminated, pertaining to the rights of Trademark Holders.

Trademark Holder means holders of marks that have been verified by the TMCH Sunrise and Claims Operator as meeting the requirements specified in the Trademark Clearinghouse Guidelines.

Trademark Match means that a Label is a match to a trademark, as described in the Trademark Clearinghouse Guidelines.

Trademark Record means a complete and correct set of information concerning a trademark or other mark submitted to the Trademark Clearinghouse.

Validated Mark means a mark that has been verified by the TMCH Sunrise and Claims Operation as meeting the requirements specified in the Trademark Clearinghouse Guidelines including those relating to proof of use.

We, **us** and **our** means the Department of Information Technology of the Kurdistan Regional Government, or our designated representatives.

You and **your** means the person or entity accessing the Service.

2 About this document

This document describes our Launch Policy.

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3   Purpose

The purpose of this policy is to describe our Launch Program for the TLD. This Launch Program has been designed such that it facilitates a fair, orderly and equitable introduction for the TLD whilst granting priority to certain rights holders (where applicable).

This document defines the implemented Launch Program by describing, amongst other things:

- The terms by which eligible parties may submit an Application during the Launch Program; and

- The manner in which Applications will be processed, validated and Allocated.

This policy applies to:

- Persons or entities submitting an Application; and

- Registrars.

We have developed this policy with reference to applicable industry standards, ICANN mandated requirements, and to meet our operational requirements for the TLD. Further policy and procedure in relation to the TLD can be found at the following link: http://nic.krd.

4 Policy statement

4.1 Introduction to the Launch Program

Where relevant to the TLD, this policy has been developed to describe the Launch Program for the TLD. The Launch Program has been designed to:

- provide certain protections to the various entities described in this document;
- comply with ICANN's requirements for the TLD; and
- to prioritise certain Applications for domain names.

The Launch Program will consist of a number of different periods, each of which is described in this document. Specific information and requirements for those wishing to participate in the launch of the TLD, are detailed in relation to each of those periods.

Background to the Launch Program

ICANN requires that we, in our management of the TLD, implement certain Rights Protection Mechanisms (often referred to as RPMs) to discourage or prevent registration of domain names that violate or abuse another party's legal rights.

Rights Protection Mechanisms may exist in different forms dependant on the stage or period of operation of the TLD. Some Rights Protection Mechanisms exist for a defined period of time, whilst others may subsist or become active as a result of certain conditions.

Details about ICANN's requirements for Rights Protection Mechanisms can be found on the ICANN website at the following link: http://newgtlds.icann.org/en/about/trademark-clearinghouse

About us, Rights Protection Mechanisms and the Trademark Clearinghouse

ICANN has established the Trademark Clearinghouse and associated processes and procedures so that we can comply with our obligation to implement Rights Protection Mechanisms.

ICANN has appointed providers such as the TMCH Sunrise and Claims Operator(s), to operate the Trademark Clearinghouse. Our implementation of the Service has been integrated and tested with the TMCH Sunrise and Claims Operator. Information about the Trademark Clearinghouse and the TMCH Sunrise and Claims Operator can be found at the following link: http://trademark-clearinghouse.com/

Where applicable our role is to verify the information provided to us, with that information that is contained in the Trademark Clearinghouse. We do not make any decisions about the validity or use of a mark or its inclusion in the Trademark Clearinghouse.

4.1.1 Launch Program timing

The following is an overview of each of the periods that will be implemented in launching the TLD. These periods are described in greater detail in the relevant sections of this document.

	Sunrise Period	Limited Registration Period	General Availability
Commencement Date / Time	2015/08/05 at 00:00:00 UTC	2015/10/07 at 00:00:00 UTC	2016/02/16 at 00:00:00 UTC
Conclusion Date / Time	2015/10/04 at 23:59:59 UTC	2016/02/12 at 23:59:59 UTC	Ongoing
Duration in Calendar Days	30	300	Ongoing
Claims Period	No	Yes	Yes - Concludes on 2016/05/16 at 23:59:59 UTC
Overview	Period during which Sunrise-Eligible Rights Holders, presenting a SMD File, have the opportunity to submit an Application for a domain name prior to General Availability.	The Limited Registration Period allows Applications from certain eligible Applicants, for domain names in the TLD which have not been otherwise Allocated, or reserved.	Point in time following which requests to register a domain name may be received from any eligible party on a first come, first serve basis.

4.1.2 Basic requirements of an application

Applications for domain names are subject always to the eligibility requirements of the TLD. These requirements can be found in this policy and our Registration Policy at the following link: http://nic.krd.

In submitting an Application you acknowledge that the Application, and if successful the subsequent Allocation of the domain name, are subject to this and any other policy issued by us.

In addition to the information that may be required by ICANN, the TMCH Sunrise and Claims Operator, and the Registrar, Applicants must supply any information regarding a domain name that may be required by us, as described in this policy or any other policy issued by us.

All Applications must specify the period under which the Application is being submitted and contain any such information that is required of that period as described in this policy.

Applications may only be submitted once the period to which the Application relates has commenced.

Successful Applicants must enter into an agreement for the domain name with their chosen Registrar.

4.1.3 Availability of domain names

All Applications for domain names are subject to the requested domain name's availability.

During any of the periods described in this policy a domain name may:

- Be reserved or restricted; or
- Have been previously Allocated; or
- Be eligible for Allocation to another entity; or
- Be the subject of an Application that is being currently processed by the auction provider.

Our Registration Policy describes the types of Labels that will be reserved or restricted in the TLD.

4.1.4 Premium domain names

We may, at our discretion, reserve certain domain names that will be made available for registration, during the Launch Program, through an auction process or at a premium fixed price.

Such domain names may be subject to a premium registration fee that is independent of any fee paid at auction.

Our Registration Policy which describes our treatment of premium names can be found at the following link: http://nic.krd.

4.2 Making domain names Eligible for Allocation

Overview

For each of the periods described during the Launch Program, we will determine if there is more than one Application for the same domain name.

Where there are multiple Applications for the same domain name during any given period, and each of the Applications meets the requirements of our policy then, those Applications will be subject to the contention resolution mechanism described in relation to that period.

Un-Allocated Applications

Where an Application is not Allocated within 120 calendar days of being made Eligible for Allocation, that Application shall be considered abandoned and the applied for domain name may:

- Become available in:
  - A subsequent period as described in this policy; or
  - General Registration; or
- Be reserved, restricted or regulated by us, subject to this and any other applicable policy issued by us or ICANN.

4.3 Our policy and your representations and warranties

All domain names or Applications for domain names as the case may be, are subject to our policies, and those policies, procedures and requirements as issued by ICANN from time to time. Our policy documents can be found at the following link: http://nic.krd.

Without limiting any other agreement or policy, by submitting an Application for a domain name an Applicant will be deemed to have warranted that:

- It has the authority to make an Application;

- The information provided is current, complete, and accurate, and that the Applicant agrees to correct and update the information to ensure that it remains current, complete, and accurate; and

- Any information the Applicant may have provided to the TMCH Sunrise and Claims Operator is true and correct, and to the best of the Applicant's knowledge the requested Label is a Trademark Match to the Validated Mark.

The Applicant and the Registrar understands and acknowledges:

- That the act of submitting an Application for a domain name in no way guarantees that domain name will be Allocated to the Applicant; and

- We may prevent an Applicant from making an Application and registering or renewing a domain name where that Applicant has been found to be in breach of our policies or procedures.

By submitting an Application for a domain name the Applicant and the Registrar agree:

- To be subject to this and any other policy reasonably issued by us, and acknowledge that any domain name may be subject to a dispute resolution process and that the outcome of such process may result in the domain name registration being transferred to another entity, being suspended or being cancelled;

- That we reserve the right to deny any Application, or cancel, lock, place on hold, transfer or delete any domain name or transaction that we deem necessary, in our sole discretion:

  - to protect the integrity and stability of the Service;

  - to comply with our obligations;

  - to comply with any applicable laws, government rules or requirements, requests of law enforcement, or in compliance with any dispute resolution policies or process;

  - to avoid any liability, civil or criminal, on our part, as well as our affiliates, subsidiaries, officers, directors, employees and subcontractors;

  - to ensure compliance with our policies;

  - for the non-payment to us of any fee; or

  - to correct mistakes made by us, or any Registrar, or any of our service providers in connection with an Application or a domain name; and

- To indemnify and keep us (including our employees, agents and subcontractors) fully indemnified from and against all suits, actions, claims, demands, losses, liabilities, damages, costs and expenses that may be made or brought against or suffered or incurred

4.4   Operation of the Sunrise Period

What is a Sunrise Period?

A Sunrise Period operates to allow entities that meet defined criteria the ability to submit an early Application for a domain name in the TLD.

In order to meet ICANN's requirements, the Sunrise Period for the TLD will be restricted to Sunrise-Eligible Rights Holders.

How to participate in the Sunrise Period

Participation in the Sunrise Period is restricted to Applicants who meet the following Sunrise Eligibility Requirements. The Applicant must:

- Make an Application for the domain name via their chosen Registrar;

- Have been issued with an SMD File from the TMCH Sunrise and Claims Operator; and

- Comply with the eligibility requirements of the TLD as described in our Registration Policy which can be found at the following link: http://nic.krd

As described in the Trademark Clearinghouse Guidelines that may be found at the following link www.trademark-clearinghouse.com and reproduced in part below, an SMD File will be issued by the TMCH Sunrise and Claims Operator to the holder of a word mark that:

- Is nationally or regionally registered and for which proof of use (which can be a declaration and a single specimen of current use) was submitted to, and validated by, the TMCH Sunrise and Claims Operator;

- Has been court-validated; or

- Has been specifically protected by a statute or treaty currently in effect and that was in effect on or before 26 June 2008.

For further information on how to obtain an SMD File please see the Trademark Clearinghouse Guidelines that may be found at the following link: www.trademark-clearinghouse.com

Notice and duration

Once commenced, we may extend the duration of the Sunrise Period. Where the Sunrise Period is extended we will provide such notice to you on our website and via any other means we deem appropriate.

Availability of domain names

All Applications for domain names are subject to the requested Label's availability.

During any of the periods described in this policy a Label may:

- be reserved or restricted; or

- have been previously Allocated; or

- be Eligible for Allocation to another entity.

Our KRD – Registration Policy—1.1 describes the types of Labels that will be reserved and restricted in the TLD and can be found at the following link: http://nic.krd.

Registration term

A domain name Allocated as a result of a Sunrise Period may only be created for a term of 1 year.

Processing of applications

Applications for domain names will be processed by us at the conclusion of the Sunrise Period.

We will perform technical substantiation of information received in relation to an Application with the TMCH Sunrise and Claims Operator.

For the purpose of processing Applications for domain names, all Applications received during the Sunrise Period will be deemed to have been received at the conclusion of the Sunrise period.

Contention resolution

Where there are multiple Applications for the same domain name as a result of the Sunrise Period these Applications will be assessed and Allocated based on the trademark registration date contained in the SMD file. The Application with the earliest date shall prevail.

For example Applicant 1 has a trademark with registration date 01 January 1999 and Applicant 2 has a trademark with registration date 01 January 2003 and both apply for the same domain name, Applicant 1 will prevail.

4.5 Operation of the Limited Registration Period

What is a Limited Registration Period?

A Limited Registration Period operates to allow Applications from certain eligible Applicants, for domain names in the TLD which have not been otherwise Allocated, or reserved.

In order to participate in a Limited Registration Period the Applicant must meet the Limited Registration Period Eligibility Requirements. The Application for the domain name will be rejected if the domain name:

- was Allocated as a result of an Application submitted during the Sunrise Period;

- is currently Eligible for Allocation; or

- is the subject of an Application that is being currently processed by the auction provider.

Domain names subject of Applications submitted during a Limited Registration Period will only be Allocated following the Allocation of all domain names applied for during the Sunrise Period.

A Claims Period will be in effect during the entire duration of the Limited Registration Periods. As such, an Applicant must acknowledge and accept the information contained within any Claims Notice that may be presented before processing of the Application.

How to participate in the Limited Registration Period

Participation in the Limited Registration Period is restricted to Applicants who meet the eligibility requirements of Criterion A as described in our Registration Policy, and must make an Application for the domain name via their chosen Registrar.

Notice and duration

Once commenced, we may extend the duration of the Sunrise Period. Where the Limited Registration Period is extended we will provide such notice to you on our website and via any other means we deem appropriate.

Availability of domain names

All Applications for domain names are subject to the requested Label's availability.

During any of the periods described in this policy a Label may:

- be reserved or restricted; or

- have been previously Allocated; or

- be Eligible for Allocation to another entity.

Our KRD – Registration Policy – 1.1 describes the types of Labels that will be reserved and restricted in the TLD and can be found at the following link: http://nic.krd.

Registration term

A domain name Allocated as a result of the Limited Registration Period may be created for a term of 1 to 10 years.

Processing of applications

Applications for domain names during the Limited Registration Period will be processed by us on a first-come, first-served basis.

4.6 Operation of the Claims Period

What is a Claims Period?

In order to meet ICANN's requirements, Claims Periods will operate during our Launch Program for the TLD.

Throughout the timeframe during which a Claims Period operates, when making an Application for a domain name, the Applicant will be notified (via a Claims Notice) if the applied for Label is a Trademark Match to a Trademark Record in the Trademark Clearinghouse. Should that Label be Allocated, the Trademark Holder with the corresponding Trademark Record will be notified of such by the TMCH Sunrise and Claims Operator.

How does a claims period operate?

The Claims Notice forms part of the process of submitting an Application for a domain name, and the Applicant for the domain name will be required to acknowledge the information contained within the Claims Notice before processing the Application.

When will a claims period operate for the TLD?

The Claims Period will be in effect for the duration of the Limited Registration Period and during the first 90 calendar days after the commencement of General Availability as described in this policy.

Notice and duration

Once commenced we may extend the duration of the Claims Period. Where the Claims Period is extended we will provide such notice to you on our website and via any other means we deem appropriate.

5   Definition and review

This document has been prepared and published to represent our policy regarding the administrative and technical management of the TLD.

We may discontinue or amend any part or the whole of this policy from time to time at our absolute discretion.