.paris Sunrise Dispute Resolution Policy (SDRP)

This Sunrise Dispute Resolution Policy (the "**SDRP**") established by the City of Paris (the "**Registry Operator**") is incorporated by reference into the .paris Launch Policy and the .paris Registration Agreement. A SDRP complaint may be filed against a .paris domain name allocated or declined during the .paris Sunrise Period (the "**Sunrise Period**").

1. Purpose

This SDRP describes the process and standards that will be applied to resolve complaints alleging that a domain name has been allocated or declined to be allocated in the .paris TLD (the "**TLD**") in violation of the Registry Operator's Sunrise Eligibility Requirements set forth in the .paris Launch Policy. This SDRP will not be applied to Registry-reserved names in the .paris TLD or to domain names registered following any Limited Registration Period which is part of the Registry Operator's Launch program.

2. Applicable Disputes

A .paris domain name allocated or denied allocation in the Sunrise Period will be subject to this SDRP upon submission of a complaint alleging that the allocation or allocation denial was improper.

2.1 Improper Sunrise Allocation

A complaint under this section shall be required to show by reasonable evidence that a .paris domain name allocated in the TLD does not comply with the Sunrise Eligibility Requirements, the complaint must prove one or more of the following elements:

   a.   At the time the challenged domain name was allocated, the registrant did not hold a valid SMD based on a valid trademark registration; or the trademark had not been court-validated or protected by statute or treaty; or

b. The domain name is not identical to the mark on which the registrant based its Sunrise allocation; or

c. The trademark registration on which the registrant based its Sunrise application is not of national effect (or regional effect) or the trademark had not been court-validated or protected by statute or treaty.

2.2 Improper denial of Sunrise Allocation

a. A complaint under this section shall be required to show reasonable evidence that the Registry Operator failed to allocate a .paris domain name that was applied for in compliance with the Sunrise Eligibility Requirements set forth in the .paris Launch Policy.

b. In addition, to pursue the remedies set forth in Section 4.2 (a) and (b) 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 sent via email to abusepointparis@paris.fr .

2.3 SDRP Effective Dates

Any complaint brought under this SDRP shall be brought **no later than forty-five (45) calendar days after end of the Sunrise Period**.

3. Defenses: harmless error

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

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4. Remedies

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

4.1 Improper Sunrise Allocation

If the complaint is filed under Section 2.1 of this SDRP, any ongoing contention resolution process will be suspended until the dispute is resolved. If the Registry Operator finds that the domain name was improperly allocated during the Sunrise Period, the following remedies will apply:

a.   If the complainant had submitted a Sunrise-eligible application for the disputed domain name, the disputed domain name will be registered in favour of the complainant, provided that the complainant is the only existing Sunrise eligible application. If there is more than one eligible Sunrise application for that domain name, the contention resolution process will continue for the remaining Sunrise eligible applications, including that of the complainant;

b.   If the complainant had applied for the disputed domain name with basis on a right with lower priority according to the Launch Policy, and the complainant's application had been rejected for being of lower priority in hierarchy than that improperly allocated, the disputed domain name will be allocated following the hierarchy criteria of the .paris Launch program;

c.   If no other eligible applications had been submitted for the disputed domain name during Sunrise or other lower-priority periods of the .paris Launch Phase, the disputed allocation will be cancelled and it will be returned to the pool of names available for General Registration in the .paris TLD.

4.2 Improper Denial of Sunrise Allocation

If a complaint is filed under Section 2.2 of this SDRP, any ongoing contention

resolution process will be suspended until the dispute is resolved. If the Registry Operator finds that the application was improperly denied during the Sunrise Period, the following remedies will apply:

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

    1. it will be registered in favor of the complainant, provided that the complainant is the only existing Sunrise eligible application; or

    2. 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.

b. 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 had notified the Registry Operator in due time of its intention to submit a complaint pursuant to Section 2.2 (b) of this SDRP**.

c. If the disputed domain name has already been allocated in favor of a third party with basis on a right of lower priority (according to the .paris Launch Policy) than that of the complainant, the domain name will be registered in favor of the complainant **provided that the complainant had notified the Registry Operator in due time of its intention to submit a pursuant to Section 2.2 (b) of this SDRP.**

5. Procedure

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

    1. 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 Clause 2 of this SDRP, along with supporting evidence. Challenges must be sent via email to abusepointparis@paris.fr; and

2.   Pay a Procedure Fee of 100 Euros to the Registry Operator.

b.   **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.

c.   **Decisions.** Registry Operator will assess the challenge, its claims and supporting documentation. 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.

d.   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.

e.   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.

6. Indemnification

The parties of a proceeding under this SDRP shall indemnify, defend and hold harmless the registrar and the Registry Operator and their respective employees, contractors, agents and service providers from any claim arising from the conduct or result of a proceeding under this SDRP. Neither the registrar or the Registry Operator and their respective agents (e.g. Afnic/CORE), employees, contractors and service providers shall be liable to a party for any act or omission in connection with any proceeding under this SDRP. 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 the registered domain name(s) in the TLD.

7. Relation to Other Dispute Resolution Policies

This SDRP is in addition to and complementary with 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.

Decisions made by the Registry Operator, as part of SDRP, may be appealed to the courts of Paris.