

**.BRUSSELS/.VLAANDEREN**

**Sunrise Policy**

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## Definitions

In addition to the definitions set out in the Terms & Conditions, the following capitalized terms used throughout this Sunrise Policy shall have the following meanings:

|   |   |
|---|---|
| <b>Application</b>                            | means a Domain Name Registration Request submitted during the Sunrise Period, which complies with all the respective requirements provided for in the Terms & Conditions, this Sunrise Policy, and in particular the specific provisions that apply during such respective Phase of the .brussels/.vlaanderen launch process within which such request is made; |
| <b>Application Data</b>                       | means any and all data submitted by an Accredited Registrar in connection with an Application, including but not limited to an SMD file or information regarding an Eligible Right to a Name;   |
| <b>Auction Provider</b>                       | means the entity or entities that will, under a contract with Registry Operator, render auction services in relation to Applications received during the Local Sunrise Period for Bus & Gov or Land Rush;   |
| <b>Claim</b>                                  | means a request from an Applicant, contained in an Application submitted to the Registry Operator during the Sunrise Period, to recognize its rights claimed within the context of this Policy, and in particular these rights referred to in Chapter 1 below;  |
| <b>Documentary Evidence</b>                   | means the documentation to be provided to the Validator or the Registry Operator in accordance with this Policy by (or on behalf of) an Applicant who applies for a Domain Name during the Local Sunrise Period for Bus & Gov;  |
| <b>Eligible Right to a Name</b>               | means a sign or name that meets the requirements laid down in Chapter 1 hereof, which is claimed in the context of an Application during the Sunrise Period (with the exception of Applications containing an SMD file);  |
| <b>E-ID</b>                                   | Belgian electronic identity card put at the disposal of Belgian citizens and capable of validating the identity of the card holder;   |
| <b>General Availability</b>                   | means the process that will apply after the Sunrise Period, whereby available Domain Names can be registered on a first-come, first-served basis, as referred to in Chapter 5 hereof;   |
| <b>Land Rush</b>                              | means the process described in Chapter 5 hereof;  |
| <b>Local Sunrise Period for Bus &amp; Gov</b> | means the timeframe referred to in Chapter 3 below, during which Applicants are entitled to submit Applications in accordance with the Local Sunrise Process described therein;   |
| <b>Local Sunrise Period for Individuals</b>   | means the timeframe referred to in Chapter 4 below, during which Applicants are entitled to submit Applications based on validation of their e-ID;  |

|                                |  |
|--------------------------------|--|
|                                |  |
| <b>Local Sunrise Process</b>   | means the process described in Chapter 3 hereof;   |
| <b>Phase</b>                   | means any of the TMCH Sunrise Period, the Local Sunrise Periods, the Land Rush, and General Availability;  |
| <b>SMD</b>                     | means “signed mark data”, which data is included in a file issued by the Trademark Clearinghouse to an Applicant or its Accredited Registrar;  |
| <b>Sunrise Period</b>          | Means the .brussels/.vlaanderen launch period including TMCH Sunrise Period, Local Sunrise Periods and Land Rush;  |
| <b>TMCH Sunrise Period</b>     | means the timeframe referred to below, during which Applicants are entitled to submit Applications in accordance with the TMCH Sunrise Process;  |
| <b>TMCH Sunrise Process</b>    | means the process described in Chapter 2 hereof;   |
| <b>Trademark Clearinghouse</b> | means the system made available under the authority of ICANN for the pre-validation of Claims relating to trademarks (see: <a href="http://www.trademark-clearinghouse.com">www.trademark-clearinghouse.com</a> );   |
| <b>Validator</b>               | means the entity or entities that will, under a contract with Registry Operator, render validation services in relation to Applications received during the Local Sunrise Period for Bus & Gov;  |
| <b>Verification Fee</b>        | means the fee charged by the Registry Operator to the Accredited Registrar in addition to any Registration Fees for the receipt and validation of the Eligible Right to a Name claimed in an Application (and its Application Data) during the .brussels/.vlaanderen launch, regardless of whether this is actually followed by the registration of the corresponding Domain Name; |

## Chapter 1. Introduction; Scope of Application

This Registration Policy describes, among other items:

1. the terms under which Applications can be submitted to the Registry Operator during the various phases preceding the launch of the .brussels/.vlaanderen gTLDs, as well as how the Registry Operator will deal with Domain Name Registration requests;
2. the way in which such Applications will be processed and, insofar these Applications are submitted during one of the phases preceding the launch of the .brussels/.vlaanderen gTLDs, will be validated; and

3. the rules under which Applications or subsequent Domain Name Registrations may be challenged, and
4. in general, all the technical and administrative measures that the Registry Operator shall use to ensure proper, fair, technically sound administration of phases preceding the launch of the .brussels/.vlaanderen gTLDs, setting out the basic rules and procedures applicable to:
  - Applicants or anyone submitting an Application in its own name or on behalf of a third party with the Registry Operator;
  - Registry Operator, including its agents;
  - Accredited Registrars;
  - any party in whose name a Reconsideration Request is submitted; and
  - any person or entity interested in obtaining a Domain Name.

The phases preceding the launch of the .brussels/.vlaanderen gTLDs are described below, each with their special characteristics, requirements, and timeframes during which special rules or conditions may apply:

| Phase                                | Timeframe             | Description  |
|--------------------------------------|-----------------------|--|
| TMCH Sunrise Period                  | 1/9/2014-1/10/2014    | Phase during which holders of an SMD file will have the opportunity to submit a corresponding Application for the registration of an available Domain Name in the .brussels/.vlaanderen TLD. If more than one Applicant has submitted an Application during this phase for an identical Domain Name, such Domain Name will be registered following the “first come, first served” principle;   |
| Local Sunrise Period for Bus & Gov   | 2/10/2014-3/11/2014   | Phase during which holders of an Eligible Right to a Name will have the opportunity to submit a corresponding Application for the registration of an available Domain Name in the .brussels/.vlaanderen TLD. If more than one Applicant has submitted an Application during this phase for an identical Domain Name, such Domain Name will be registered following the outcome of an auction process, as defined in Chapter 3 below; |
| Local Sunrise Period for Individuals | 13/11/2014-15/12/2014 | Phase during which holders of a valid E-ID card will have the opportunity to submit an Application for the registration of an available Domain Name in the .brussels/.vlaanderen TLD based on their personal names. If more than one Applicant has submitted an Application during this phase for an identical Domain Name, such Domain Name will be registered following the “first come, first served” principle;                  |
| TMCH2 Phase                          | 16/11/2014-16/12/2014 | Phase during which holders of an SMD file will have the opportunity to submit a corresponding  |

Application for the registration of an available Domain Name in the .brussels/.vlaanderen TLD. If more than one Applicant has submitted an Application during this phase for an identical Domain Name, such Domain Name will be registered following the “first come, first served” principle. This phase will run in parallel with the Local Sunrise Period for Individuals;

|                      |                      |   |
|----------------------|----------------------|---|
| Land Rush            | 16/12/2014-15/1/2015 | Phase during which any interested party shall have the opportunity to submit one or more Applications for (an) available Domain Name(s). If more than one Applicant have submitted an Application during this phase for an identical Domain Name, such Domain Name will be registered following the outcome of an auction process, as defined in Chapter 5 below; |
| General Availability | 20/1/2015            | Period following Land Rush where available Domain Names can be registered on a first-come, first served basis.  |

The Registry Operator may change the above dates and timeframes at its sole discretion, and publish such changes on the Registry Web Site.

The Registry Operator will only effectuate a Domain Name Registration insofar and to the extent that:

- the Domain Name meets the criteria set out in these Policies, and more in particular the requirements defined for the respective Phase during which the Application is received by the Registry Operator;
- the Domain Name and the information contained in the Claim meet the requirements laid down in these Policies;
- the Domain Name is available; and
- the Accredited Registrar holds sufficient funds with the Registry Operator.

## Chapter 2. The .brussels/.vlaanderen TMCH Sunrise Process

### Article 2.1. Purpose and Principles

In order to reduce costs and make the registration of Domain Names that are identical or match signs for which trademark holders hold or can claim a (prior) right, ICANN has standardized certain rights protection mechanisms that are preceding the launch of new gTLDs, including their processes and procedures.

### Article 2.2. Requirements

When submitting an Application during the TMCH Sunrise Process, the Accredited Registrar appointed by the Applicant must submit, in addition to the information contained in the Terms & Conditions, the SMD file corresponding to the Domain Name for which an Application is submitted. It will not be possible to add or change an SMD file following receipt of the Application by the Registry Operator.

Any Domain Name applied for during the TMCH Sunrise Period must be identical to one of the labels contained in the SMD file.

The TMCH Sunrise Period is open only to holders of trademarks registered with the Benelux Office for Intellectual Property (BOIP) or the Office for Harmonization in the Internal Market (OHIM). This requirement means that the SMD file must match with a Benelux trademark (code BX) or a European Union Community trademark (code EM).

### **Chapter 3. The .brussels/.vlaanderen Local Sunrise Period for Bus & Gov**

#### **Article 3.1. Purpose**

The purpose of the .brussels/.vlaanderen Local Sunrise Process is to provide holders of certain prior rights who have not registered their corresponding trademarks with the TMCH with the opportunity to apply for and register one or more Domain Names that correspond with the name for which such rights are held, and this in accordance with the terms and conditions set out in this Chapter.

In order to ensure that the Applications meet the eligibility requirements set out in this Chapter, a validation process will be conducted by the Validator in accordance with the rules described below.

#### **Article 3.2. Identical match**

For the purposes of the Local Sunrise Process, an identical match means that, ignoring the top level suffix, the domain name applied for must exactly match the text of the Eligible Right claimed and any Documentary Evidence supplied, subject to the following exceptions:

- a. As a domain name cannot contain spaces or special characters (such as, but not limited to: “.”, “@”, “&”, “\$”, “#”, “%”, “!”, “:”, “\*”, “+”), these characters may be either (i) omitted; or (ii) replaced by hyphens by the applicant
- b. Characters “@” and “&” may additionally be spelled out with appropriate words in the language of the right claimed
- c. If the applied for domain name includes letters like “á”, “é”, “í”, “ó”, “ú”, “ü” “ñ”, the applicant may change such characters in the name to the corresponding letters like “a”, “e”, “i”, “o”, “u”, or “n”, or the conventionally accepted spelling (e.g. “ae”, etc.)
- d. Company identifiers (e.g. NV, BVBA, VZW etc.) may be omitted from the domain name
- e. Articles such as “the”, “of” and “a” or their equivalents in other languages than English may be omitted from the domain name
- f. If the text of the right claimed contains wording that matches exactly with the name of the respective top level suffix i.e. “Brussels” or “Vlaanderen”, that wording may be omitted from the domain name

- g. For trademarks including figurative elements (e.g. stylisation or logos) the text of the trademark for which priority is being claimed in the domain name application must be: (i) predominant; (ii) clearly separable or distinguishable from the device element; and (iii) in the same order it appears on the trademark record on the applicable intellectual property office register.

### **Article 3.3. Eligible Rights to a Name**

During the Local Sunrise Process, holders of following Eligible Rights will be able to register Domain Names that constitute an identical match to their rights under Article 3.2.

#### **3.3.1 Registered Trademarks**

##### **3.3.1.1 Eligibility Requirements**

For the purposes of the Local Sunrise Process, an Application based on a registered trademark must meet the following requirements:

- a. The trademark must be registered with the Benelux Office for Intellectual Property (BOIP) or is a registered European Union Community trademark or an international trademark with validity in Belgium
- b. The trademark registration must be valid at the time of the domain name application (trademarks that have been applied for, trademarks that are under examination of absolute grounds or under opposition, or trademarks for which the registration has lapsed including trademarks that are in the grace period, are not eligible)
- c. The trademark must be a word mark or figurative mark with at least one textual element
- d. The Domain Name applied for must be an identical match to the registered trademark as set out in Article 3.2

##### **3.3.1.2 Eligible Applicants**

Only the recorded owner of a registered trademark, its successor in title or another entity duly authorised by the owner or its successor in title as at the date of application can submit a Domain Name Application.

Where the Applicant is not the recorded owner of the registered trademark the Applicant must submit Documentary Evidence confirming that the Applicant at the date of Application is the successor in title to the recorded trademark owner, or that the registered trademark owner or its successor in title consents to the Applicant making the Application and having the Domain Name registered to it.

If the trademark is jointly owned, the Applicant must provide Documentary Evidence confirming that all co-owners consent to the Applicant making the Application and having the Domain Name registered to it.

### 3.3.1.3 Information Required for Validation

For the purposes of validation of a Registered Trademark, the applicant must submit the following information via the Validation Agent's online system:

- a. Name of the trademark
- b. Registration number
- c. Date of registration
- d. Jurisdiction of registration (Benelux/European Community/International trademark with validity in Belgium)
- e. Registered owner of the trademark, or documentary evidence confirming that the applicant is authorised to make the application and have the domain name registered to it

### 3.3.2 Registered Company Names

A Company Name is the registered name with which a legal entity is identified and distinguished in its legal existence at the time of its foundation or as the result of a statutory change of name.

#### 3.3.2.1 Eligibility Requirements

For the purposes of the Local Sunrise Process, an application based on a Company Name must meet the following requirements:

- a. Company must be registered in Belgium before the Domain Name Application
- b. The registration status of the company must be active as shown in the [Kruispuntbank der Ondernemingen / Banque-carrefour des Entreprises](#)
- c. Domain name applied for must be an Identical Match to the Company Name as set out under Article 3.2

#### 3.3.2.2 Eligible Applicants

Only the registered company with the relevant name, or its authorised representative may apply for a domain name on the basis of that Registered Company Name.

Authorised representatives must provide documentary evidence confirming that the registered company consents to the applicant making the application and having the domain name registered to it.

### 3.3.2.3 Information Required for Validation

For the purposes of validation of a Registered Company Name, the applicant must submit the following information via the Validation System:

- a. Registered Company name in full
- b. Enterprise number (“Ondernemingsnummer”) and/or VAT number
- c. Date of establishment

### 3.3.3 Trade Names

A Trade Name is a name that a business uses in the course of its trade or operations to identify and distinguish itself, to participate in economic trade and under which it is commonly known amongst the public and its consumers. This name can be different from the full legal name the company is registered under.

#### 3.3.3.1 Eligibility Requirements

For the purposes of the Local Sunrise Process, an application based on a Trade Name must meet the following requirements:

- a. The Trade Name must be used in Belgium before the domain name application
- b. The domain name applied for must be an Identical Match to the Trade Name under Article 3.2

#### 3.3.3.2 Eligible Applicants

Only the owner of the Trade Name or its authorised representative may apply for a domain name on the basis of that Trade Name.

Authorised representatives must provide documentary evidence confirming that the owner of the Trade Name consents to the applicant making the application and having the domain name registered to it.

#### 3.3.3.3 Information Required for Validation

For the purposes of validation of a Trade Name, the applicant must submit the following information via the Validation System:

- a. Full Trade Name
- b. Documentary evidence showing use of the name in Belgium. The evidence must contain the full name in a clear, stand-alone format, and could be one or more of the following:
  - i. Dated advertising and marketing materials (e.g. brochures, pamphlets, catalogues, product manuals, displays or signage, press releases, screen shots, social media marketing materials etc.)

- ii. Links to websites, screen shots from websites
- iii. Headed and dated stationary, receipts, invoices
- iv. Dated photographs or scans of product labels, tags or containers

### **3.3.4 Names of Public Institutions**

Names of Public Institutions mean names held by institutions and bodies of international, national, regional, provincial governments, intergovernmental institutions, cities, municipalities, etc.

#### **3.3.4.1 Eligibility Requirements**

For the purposes of the Local Sunrise Process, an application based on the Name of a Public Institution must meet the following requirements:

- a. The Public Institution that holds the name must have an address in Belgium or be established under the authority of the European Union
- b. The domain name must be an Identical Match to the Name of a Public Institution, its official acronym or its official abbreviation

#### **3.3.4.2 Eligible Applicants**

Only the Public Institution that holds the relevant name, or its authorised representative may apply for a domain name on the basis of that name.

Authorised representatives must provide documentary evidence confirming that the Public Institution consents to the applicant making the application and having the domain name registered to it.

#### **3.3.4.3 Information Required for Validation**

For the purposes of validation of the Names of a Public Institution, the applicant must submit the following information via the Validation System:

- a. Full name of Public Institution
- b. Date of incorporation/establishment of Public Institution
- c. Copy of or reference to act or official decision or decree confirming establishment of entity or confirming/allowing the creation of the entity
- d. If the above information is not available, a copy of an official document bearing a stamp or seal of the Public Institution e.g. an official letterhead

### 3.3.5 Geographical Indication, Designation of Origin and Guaranteed Traditional Specialty

A Protected **Designation of Origin** is granted to agricultural products or foodstuffs from a specific region whose quality or characteristics are essentially or exclusively due to the geographical environment and which have been produced, processed and put together in the specific geographical area. A Protected **Geographical Indication** is granted to agricultural products or foodstuffs which are from a specific region and for which a specific quality, reputation, or other characteristics may be attributed to that region, and which have been produced and/or processed and/or put together in the specific geographical area. A **Guaranteed Traditional Specialty** is attributed to foodstuffs and agricultural products without a link to a specific geographical area but the physical or chemical characteristics of which, or the production method of which, distinguish it from other products or foodstuffs from the same category.

#### 3.3.5.1 Eligibility Requirements

For the purposes of the Local Sunrise Process, an application based on a Geographical Indication, Indication of Origin or Guaranteed Traditional Specialty must meet the following requirements:

- a. The Geographical Indication, Designation of Origin or Guaranteed Traditional Specialty must originate from one of the European Union member states
- b. The Geographical Indication, Designation of Origin or Guaranteed Traditional Specialty must be shown as registered in the [Database of Origin and Registration \(DOOR\)](#)
- c. The Domain Name applied for must be an Identical Match to the name of the Geographical Indication, Designation of Origin or Guaranteed Traditional Specialty under Article 3.2

#### 3.3.5.2 Eligible Applicants

Only the entity, organisation or collective that filed the application for the registration of the Geographical Indication, Designation of Origin or Guaranteed Traditional Specialty (usually, a national group of producers or processors), its successor in title or another entity, organisation or collective duly authorised by the entity, organisation or collective that filed the application for the registration or its successor in title may apply for a domain name on the basis of that Geographical Indication, Indication of Origin or Guaranteed Traditional Specialty.

Where the applicant for the domain name is not the entity, organisation or collective that filed the application for the registration of the Geographical Indication, Designation of Origin or Guaranteed Traditional Specialty, the applicant for the domain name must submit documentary evidence confirming

either that it is the successor in title to the entity, organisation or collective that filed the application for the registration of the Geographical Indication, Designation of Origin or Guaranteed Traditional Specialty or that the entity, organisation or collective that filed the application for the registration of the Geographical Indication, Designation of Origin or Guaranteed Traditional Specialty or its successor in title consents to the applicant making the application and having the domain name registered to it.

### **3.3.5.3 Information Required for Validation**

For the purposes of validation of a Geographical Indication, Designation of Origin or Guaranteed Traditional Specialty, the applicant must submit the following information via the Validation System:

- a. Name of the Geographical Indication, Designation of Origin or Guaranteed Traditional Specialty
- b. Country of Origin
- c. Dossier Number

### **3.3.5.4 Combination of other Eligible Prior Rights with a Geographical Indication, Designation of Origin or Guaranteed Traditional Specialty**

Owners of or Eligible Applicants for other Eligible Prior Rights which also have the right to use a Geographical Indication, Designation of Origin or Guaranteed Traditional Specialty may apply for a domain name that contains the name of the Geographical Indication, Designation of Origin or Guaranteed Traditional Specialty they are entitled to use in combination with a term that is an Identical Match to their Eligible Prior Right as defined in this LRP Policy.

For example, a producer of Kriek beer with a Registered Company Name “ABC Ltd” is entitled to apply for the domain name “abckriek.brussels” since “ABC” is a Registered Company Name (an Eligible Prior Right defined under section 4.2 of this LRP Policy) and “Kriek” is a Guaranteed Traditional Specialty.

In order for an owner of another Eligible Prior Right or another Eligible Applicant to be eligible to apply for a domain name that contains a Geographical Indication, Designation of Origin or Guaranteed Traditional Specialty, the owner of or Eligible Applicant for the Eligible Prior Right must provide documentary evidence of its qualification to use that Geographical Indication, Designation of Origin or Guaranteed Traditional Specialty.

### **Article 3.5. Variants**

All Applicants represent and warrant that the information they are providing is true and correct, and have the authority to submit an Application for their desired Domain Name. Providing false information at any time during the application or validation process may lead to cancellation of an Application or the suspension of the Domain Name by the Registry Operator or by the Validator. The Registry Operator or the Validator may cancel or suspend an application for or registration of a domain name in such circumstances at their reasonable discretion.

### **Article 3.6. Validation process**

#### **3.6.1. Principle**

Applications submitted during the Local Sunrise Period for Bus. & Gov. are subject to validation as described in this Section, which is a condition precedent for the Registry Operator to actually proceed with the registration the Domain Name referred to in the Application.

The Registry Operator and the Validator will not process an Application unless and until the Accredited Registrar has paid the corresponding Sunrise Verification Fee to the Registry Operator or the Validator. The Registry Operator will not charge a Registration Fee unless and until this Application has been transformed by the Registry Operator into a Domain Name Registration.

The Validator shall inform the Registry Operator of its findings in a manner agreed by and between them.

Upon request of the Registry Operator, the Validator will attempt to verify that:

- the Eligible Right to a Name claimed in an Application is valid, based on a prima facie review of (i) the data contained in such Applications (ii) the data published by the trademark office or other applicable official organization referred to in the Application and/or (iii) the Documentary Evidence provided by the respective Applicant upon request of the Validator;
- the Domain Name corresponds to the sign protected by such Eligible Right to a Name, as set out in this Chapter; and
- the Applicant is the owner of the Eligible Right to a Name or, if the Applicant claims to be a licensee authorized to use the Eligible Right to a Name (where possible) by the owner of the Eligible Right to a Name or the Applicant claims to be the assignee, that the owner of the Eligible Right to a Name has submitted the certification described in Section 3.6 above identifying the Applicant as a licensee or assignee authorized to file the Application.

If the Validator is unable to validate the information contained in an Application in accordance with the process described above, it shall inform the Registry Operator accordingly, and the Registry Operator shall be entitled to reject that Application without the Applicant being entitled to any refunds or damages.

### 3.6.2. Validation process

Domain Name Applications submitted to the Validator will be considered a final submission. Other than providing additional information at the request of the Validator, Applicants in the Local Sunrise Process will not be entitled to amend or modify a Domain Name Application.

The Validator may require additional documentation, and/or evidence from applicants to complete the Validation Process. Information, evidence, and documentation submitted by an applicant must meet the following standards:

- a. Submitted as an electronic file with maximum size of 10 MB
- b. Up to 5 items can be uploaded
- c. Materials must not be retouched or otherwise altered

The Validation Process will be conducted in the following manner:

- i. Applicants submit domain name applications through a registrar during the Local Sunrise Period for Bus. & Gov.
- ii. The Validator contacts all Applicants via the email address provided in their Application(s) with an invitation to login to the Validation System and provide the information required under this Policy. The email states the date by which Applicants need to login and submit the information. This date will be 30 calendar days after an Applicant receives the email from the Validator. Applicants will receive an email reminder 15 days before the 30-day window ends.
- iii. Applicants log in to the Validation System, entering all required information and uploading relevant supporting documentary proof. Applicants are able to save their Applications and return to the Validation System later within the 30-day window.
- iv. The Validator checks compliance of the Applications with this Policy and confirms whether Applicants are eligible to register the Domain Name(s) they have applied for. If there are omissions or missing information, the Validator will notify Applicants via email requesting additional information. Applicants have 10 days from the date of the email to respond and provide the additional information.
- v. If the Validator concludes that an Applicant is not eligible to register a Domain Name under this Policy, the Applicant has the opportunity to appeal the decision for an appeal fee payable to the Validator. The request for an appeal must be made to the Validator within 15 days of the Validator communicating the final outcome on the Validation System (subject to appeal). The request for an appeal should be made via the Validation System. Upon appeal, the Validator will conduct an internal review of the decision. If the Validator is still not able to confirm the claimed priority, the appeal will be referred to an independent legally qualified expert for a final decision. If, at any point, the original validation result is overturned and the Applicant is found to be successful, the appeal fee will be refunded to the Applicant.

### **Article 3.7. Domain Name Allocation**

At the conclusion of the Local Sunrise Period for Bus. & Gov, Domain Names will be allocated to the Applicants whose Applications have been validated by the Validator in accordance with the Policy under this Section.

If there is more than one validated Application for the same available Domain Name, the name will be allocated further to an auction mechanism.

### **Article 3.8. Limitation of Liability**

To the maximum extent allowed under Belgian law, neither the Registry Operator nor the Validator shall be liable for any indirect, consequential or incidental damages or loss of profits, whether contractual, or otherwise arising, resulting from or related to registration, validation or use of a domain name or to the use of the Registry Operator's or the Validator's systems or web site, including but not limited to decisions taken by the Registry Operator to register or not to register a Domain Name on the basis of the findings of the Validator, as well as the consequences of those decisions. Nothing in this Policy should be taken as limiting the Registry Operator's or the Validator's liability in relation to death or personal injury caused by the Registry Operator's or the Validator's negligence, nor for any liability due to fraudulent misrepresentation.

To the extent allowed under Belgian law, aggregate liability for damages shall in any case be limited to the amounts paid to the Registry Operator in relation to the Application concerned (for the avoidance of doubt, excluding additional fees paid by the applicant to the registrar or reseller, the Validator and/or auction fees). The Applicant agrees that no greater or other damages may be claimed from the Registry Operator (such as, but not limited to, any fees payable or paid by the Applicant in the context of any proceedings initiated against a decision by the Registry Operator to register or not to register a Domain Name).

Applicants and Registrants shall indemnify and hold harmless the Registry Operator or the Validator from claims filed or disputes initiated by third parties, and shall indemnify and compensate the Registry Operator and the Validator for any costs or expenses incurred or damages for which they may be held liable as a result of third parties taking action against them, on the grounds that the Application for or the registration or use of the Domain Name by the Applicant infringes the rights of a third party or that any of the documentary evidence is defamatory or discloses the confidential information of any third party.

For the purposes of this Article, the exclusions of liability and indemnity benefiting the Registry Operator and the Validator shall also apply to their respective agents, members, directors, employees and/or subcontractors.

## Chapter 4a. The .brussels/.vlaanderen Local Sunrise Period for Individuals

### Article 4.1 Eligibility

During this phase, Belgian individuals in possession of a valid E-ID card, regardless of their place of residence or the age of the holder, may file an Application.

Underage children (minors) can take part in this phase if they have a valid E-ID card (the Kids-ID). No action or authorisation is required from parents if the underage person is able to make the reservation via the website of Registry Operator. If the underage person is not able to do it himself/herself, the parents may do so instead using the Kids-ID.

### Article 4.2 Eligible names

You can apply for a .vlaanderen or .brussels Domain Name that corresponds with:

- Your family name
- Your family name and first name
- Your first name and family name
- Your family name and the first letter of your first name
- The first letter of your first name and family name.

### Article 4.3 Special characters and more

#### **Special characters, spaces, accents, etc.**

A name may contain special characters, such as an apostrophe. It can also have hyphens, spaces and accent marks (é, ç, à, ê).

The general rule is that you may convert these characters to characters that can be registered as a Domain Name. To do this, you replace these characters by other characters that are permitted, such as a hyphen. Or you drop these characters altogether.

Spaces and apostrophes must always be left out. Hyphens can be included, if the applicant prefers, or left out. IDN accents can also be included in the Domain Name.

### Article 4.4 Application Process

During this phase, you can use your E-ID card to apply for a Domain Name. Important: the Registry Operator only accepts valid digital certificates stored on a valid Belgian E-ID card in order to apply for a Domain Name. Other identity documents, international passports, residence permits, driving licences, etc. are not eligible, since the validity hereof cannot be verified on line.

Applying for a Domain Name during this Phase takes place in 2 stages:

## 1. Validation of your personal details by E-ID and reserving the Domain Name

If you want to reserve a Domain Name based on your name, you will need to go through the 'E-ID wizard' on the website of the Registry Operator ([www.dnsbelgium.be](http://www.dnsbelgium.be)). This process starts by having the details on your E-ID card read by the E-ID application at Registry Operator's website. The data on the E-ID card is scanned using a card reader.

The E-ID application made available on the Registry Operator's website works like this:

- connect the card-reader to a computer and insert your E-ID card into the device. Your details will then be identified.
- during the identification process, we only extract your first name and last name. This data is not stored.

NB: what is on your E-ID card defines the list of Domain Names from which you can choose. For example: your official name is 'Jozef Vandam', but everyone calls you 'Jos Vandam'. If this is the case, you cannot register [josvandam.vlaanderen](http://josvandam.vlaanderen).

- after successfully identifying yourself, you will be shown a list of the Domain Names that you can apply for, based on your name. You can tick one or more of these and then reserve them.
- after you have made your selection from the Domain Names available, you will receive confirmation of your reservation. You will then see a reservation screen and receive a reservation e-mail. You will receive a registration code for each Domain Name reserved. Keep this code safe or send it on directly to your Registrar so that your Domain Name(s) can be registered (using the registration code).

## 2. Registering Domain Names

Provide your Accredited Registrar with the registration code(s) that you received when reserving your Domain Name(s) via the Registry Operator. Your Accredited Registrar is only able to carry out the actual registration of the Domain Names you have applied for based on these codes.

The registration codes are only valid for 7 calendar days. If registration codes are not used within this period (7 days) to complete the registration, the reserved Domain Names will become available again. This means that people with the same name can reserve/register these Domain Names and that you will have to go through the whole E-ID procedure again to reserve the Domain Names in question.

## Chapter 4b. The [.brussels/.vlaanderen](http://brussels.vlaanderen) TMCH2 Phase

### Article 4.1. Purpose and Principles

Following discussions between ICANN and Registry Operator it has been decided to run a second TMCH phase (TMCH2 Phase) in parallel with the Local Sunrise Period for Individuals. This phase is open for all trademark holders that have registered trademarks in the Trademark Clearinghouse and wish to register the corresponding domain name under [.brussels](http://brussels.vlaanderen) or [.vlaanderen](http://vlaanderen.vlaanderen). Registrations are made according to the "first come, first served" principle. The TMCH2 Phase will start on 16 November 2014 at 9.00 h. and will end at 16 December 2014 at 9.00 h.

#### **Article 4.2. Requirements**

When submitting an Application during the TMCH2 Phase, the Accredited Registrar appointed by the Applicant must submit, in addition to the information contained in the Terms & Conditions, the SMD file corresponding to the Domain Name for which an Application is submitted. It will not be possible to add or change an SMD file following receipt of the Application by the Registry Operator.

Any Domain Name applied for during the TMCH2 Phase must be identical to one of the labels contained in the SMD file.

The TMCH2 Phase is open only to holders of trademarks registered with the Trademark Clearinghouse. There is no restriction concerning the jurisdiction of the trademark.

### **Chapter 5. The .brussels/.vlaanderen Land Rush Process and General Availability**

#### **Article 5.1. Land Rush Process**

- 5.1.1 According to these Policies, any interested party shall be entitled to submit one or more Applications during the Land Rush process for any Domain Name that has not been reserved, restricted, registered or awarded by the Registry Operator in the context of any of the processes or Phases preceding the Land Rush, or is pending validation, and meet the technical requirements imposed by the Registry Operator.
- 5.1.2. Any and all Applications received by the Registry Operator during the Land Rush shall be deemed received at the same time.
- 5.1.3. During the Land Rush process, Domain Names will be allocated in accordance with the provisions set out in Article 5.3 below.

#### **Article 5.2. Domain Name Allocation During General Availability**

Reference is made to the .brussels/.vlaanderen Terms & Conditions.

#### **Article 5.3. Domain Name Allocation During the Sunrise Process and Land Rush**

##### **5.3.1. Single Applications**

With the exception of Domain Names that are Restricted Names, Reserved Names, registered Domain Names or Applications whose Claims are pending validation, Domain Names that receive only one Application in the Land Rush will be allocated to the respective Applicant.

Following the closing of the Land Rush process, the Registry Operator shall directly award a Domain Name Registration to the Applicant if the latter's Application was the only one received during Land Rush, and the corresponding Domain Name was not reserved, restricted, or one or more Applications for the same Domain Name were

received during the Sunrise Process, and the validation of the Claims contained therein is still ongoing.

### **5.3.2. Multiple Applications**

Applications received during the Land Rush process, will be treated as received at the same time.

If more than one Application of a particular available Domain Name has been received during the Land Rush Process, the relevant Applicants will be invited to an auction for that Domain Name. Bidding is open to Applications received during the Land Rush process only.

The Registry Operator shall inform the Auction Provider of the Domain Name and its corresponding Applications if the Registry Operator has received more than one Application for a particular Domain Name during the Land Rush. In such case, the Registry Operator shall award a Domain Name Registration to the Applicant appointed by the Auction Provider.

The auction rules defined by the Auction Provider will apply.

### **5.3.3. Auction Process; Communication with Eligible Bidders; Allocation**

Insofar and to the extent the Registry Operator will allocate Domain Names on the basis of the outcome of an auction process, eligible bidders for such Domain Names will be invited by the Auction Provider by email. Prior to the commencement of an auction, each eligible bidder will be provided with the required information necessary to participate in the relevant auction. No auction will be conducted for Domain Names with only one qualifying Applicant.

An Applicant is only considered an eligible bidder for a Domain Name if its Application has been accepted by the Registry Operator during the Land Rush process.

Auctions for a particular Domain Name will be held exclusively amongst eligible bidders.

## **Chapter 6. Dispute Resolution Policies**

### **Article 6.1. Disputes relating to registered Domain Names**

Reference is made to the .brussels/.vlaanderen Terms & Conditions.

### **Article 6.2. Sunrise Dispute Resolution Proceedings**

Reference is made to the Terms & Conditions for filing a complaint in relation to:

- the decision by the Registry not to accept a certain Domain Name Registration Request;
- the decision by the Registry to accept a Domain Name Registration Request submitted by a third party.

Reference is made to the Registry Operator's Sunrise Dispute Resolution Policy available through <http://domains.adrforum.com/main.aspx?itemID=1900&hideBar=False&navID=521>) and related proceedings that are administered by the National Arbitration Forum.

### **Article 6.3. General**

The Registry Operator shall not be a party in any proceedings under the UDRP, the URS or any other proceeding in relation to a Domain Name or Application, and the Applicant, *c.q.* Registrant of a Domain Name shall defend and hold harmless Registry Operator in the event Registry Operator is involved in any legal proceedings.

## **Chapter 7. General Provisions**

### **Article 7.1. Payment of Applicable Fees Due**

The Registry Operator shall only be obliged to accept an Application or Domain Name Registration request or to renew a Domain Name Registration once it has been unconditionally paid in full for such service by the Accredited Registrar appointed by the Applicant or Registrant.

Payment of any fees due, for which the Applicant, and ultimately the Registrant, is solely liable, must be made with the Registry Operator via an Accredited Registrar. The Registry Operator is not responsible for any failure on the part of the Accredited Registrar in this respect, including where such failure results in non-registration or cancellation of the Domain Name concerned.

Registry Operator is, however, entitled – but by no means obliged – to provide credits to one or more Accredited Registrars, which will be at Registry Operator's sole discretion.

### **Article 7.2 Terms & Conditions**

These Sunrise Policies are incorporated by reference in the Terms & Conditions published on the Registry Website