

SUNRISE DISPUTE RESOLUTION POLICY .PHONE

This Sunrise Dispute Resolution Policy (“SDRP”) is incorporated by reference into the Registry-Registrar Agreement and applies solely to domain names registered during the Sunrise Period for the **.phone** gTLD. This SDRP shall become effective as of 30 August 2026. Complaints must be submitted within twenty-four (24) months following the end of the Sunrise Period. Notwithstanding the foregoing, this SDRP shall remain effective for purposes of resolving any proceedings initiated within that period.

1. Purpose

This SDRP describes standards that will be applied to resolve challenges to names registered during the Sunrise Registration period of the TLD on the basis of the alleged improper application of the Registry’s published Sunrise registration and allocation criteria applicable to the TLD.

2. Applicable Disputes

A domain name registered in the TLD during the Sunrise Period will be subject to an administrative proceeding upon submission of a Complaint showing that the Sunrise Registration did not comply with the Registry’s published Sunrise registration or allocation criteria.

A. Sunrise Ineligibility

A complaint under this section shall be required to show that a registered domain name in the TLD did not comply with the Registry’s published Sunrise registration or allocation criteria applicable to the TLD. Sunrise Ineligibility shall be demonstrated in any of the

following circumstances:

- i. at the time the challenged domain name was registered, the registrant was not a Sunrise-Eligible Rights Holder;
- ii. the registrant did not provide a valid SMD file issued by the Trademark Clearinghouse;
- iii. the domain name was not identical to the Trademark Record on which the registrant based its Sunrise registration, in accordance with the TMCH identical-match rules;
- iv. the domain name was not available for registration under the Registry's published reserved-name or registration policies; or
- v. the Registry's published Sunrise allocation criteria, including first-come, first-served allocation if applicable, were not properly applied.

Sunrise Ineligibility shall be determined in accordance with the ICANN Trademark Clearinghouse Requirements, the Sunrise Minimum Requirements, and the Registry's published Sunrise registration and allocation policies.

3. Remedies

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

A. Sunrise Ineligibility

If the Evaluator finds that the Sunrise Registration was ineligible under this SDRP, the sole remedy shall be cancellation of the registration and return of the cancelled

domain name to the pool of names available for registration in the TLD, subject to the Registry's published allocation, reserved-name, and registration policies.

B. TMCH Dispute Resolution Procedure

Challenges concerning the validity of the Trademark Record on which a Sunrise Registration was based shall be handled through the TMCH Dispute Resolution Procedure. The TMCH Dispute Resolution Procedure shall be the primary mechanism for disputes regarding the validity of a Trademark Record. The Registry will take action with respect to a Sunrise Registration based on notice from the Trademark Clearinghouse in accordance with the TMCH Requirements.

4. Procedure

A. The Complaint

A Complaint under this SDRP shall be submitted to the Registry and shall identify the specific published Sunrise registration or allocation criterion alleged to have been improperly applied. Submission instructions are to contact: **hello@registry.dish**. The Registry will, within seven (7) business days of receipt of the Complaint, transmit a copy to the Registrant. In the instance of a Complaint initiated by the Registry, a copy of the Complaint will be sent directly to the Registrant.

In the case of Sunrise Ineligibility, the Registry will conduct an initial review of the Complaint and the applicable Sunrise Registration application to determine whether the challenged Sunrise Registration was subject to technical error(s) in processing the Sunrise Registration application. In the event the Registry determines the Sunrise Registration to be the result of a technical error(s), the Registry will notify the Registrant, remedy the error, and the proceeding will terminate.

The Complaint shall be limited to 1000 words and no more than five annexes constituting no more than 50 pages in total, and shall specify by particular reference to the paragraphs of this SDRP the basis for the Complaint. In the event the Complainant believes it requires a greater word, annex, or page limit, the Complainant may request, in the Complaint, leave to file additional material. No additional material may be filed or will be considered without grant of such leave by the Evaluator.

The Complaint shall particularly identify a factual basis for a reasonable belief for each of the allegations therein. Mere lack of knowledge or conclusory allegations shall not constitute a reasonable belief, in the absence of evidence of due diligence to support the allegations of the Complaint.

The Complaint shall contain the following certification: “Complainant agrees that its claims and remedies concerning the registration of the domain name, the dispute, or the dispute’s resolution shall be solely against the Respondent and waives all such claims and remedies against (a) the Evaluator, (b) the registrar, (c) DISH DBS Corporation, its directors, officers, employees, affiliates and agents, and (d) ICANN as well as their directors, officers, employees and agents. Complainant certifies that the information contained in this complaint is to the best of Complainant’s knowledge complete and accurate, that this complaint is not being presented for any improper purpose, such as to harass, and that the assertions in this complaint are warranted under this Policy and under applicable law, as it now exists or as it may be extended by a good faith and reasonable argument.”

B. The Response

A Response under this SDRP may be submitted to the Registry within thirty (30) days of notification to the Respondent of the Complaint. The Response shall be limited to 1000 words and no more than five annexes constituting no more than 50 pages in total, and

may dispute the allegations of the Complaint as appropriate. In the event the Registrant believes it requires a greater word, annex, or page limit, the Registrant may request, in the Response, leave to file additional material. In the event the Respondent believes it requires a greater word, annex, or page limit, the Respondent may request leave to file additional material.

Absence of a Response shall not constitute an admission by the Registrant as to any allegation of the Complaint.

The Response shall include the following certification: "Respondent agrees that its claims and remedies concerning the registration of the domain name, the dispute, or the dispute's resolution shall be solely against the Complainant and waives all such claims and remedies against (a) the Evaluator, (b) the registrar, (c) DISH DBS Corporation, its directors, officers, employees, affiliates and agents, and (d) ICANN as well as their directors, officers, employees and agents. Respondent certifies that the information contained in this response is to the best of Respondent's knowledge complete and accurate and that the assertions in this response are warranted under this Policy and under applicable law, as it now exists or as it may be extended by a good faith and reasonable argument."

C. Invitation to Proceed

Within ten (10) business days of the deadline for the Response, the Complainant will be asked whether it desires to proceed with the Proceeding, whereupon the Complainant shall pay a fee of US \$700.

D. Referral To Evaluator

All Complaints alleging Sunrise Ineligibility, which are not determined to be the result of

technical error shall be referred by the Registry to an Evaluator. The Evaluator shall be one of:

(i) A licensed attorney with at least ten years experience in intellectual property law including: either the conduct of at least 100 domain name dispute proceedings under ICANN or ccTLD domain name dispute resolution policies or a panellist listed by an accredited ICANN UDRP provider, and who has agreed to decide disputes under this SDRP Policy at a total cost of no more than US \$700.

(ii) A dispute resolution provider organization maintaining a roster of evaluators possessing the qualifications noted in subsection (i), and who has agreed to decide disputes under this SDRP Policy at a total cost of no more than US \$700.

E. Conduct of Proceeding / Decision

The Evaluator shall (a) consider the Complaint and Response, if any, (b) grant leave to file additional materials or request such materials within such time limits as the Evaluator deems appropriate, and (c) issue a decision stating whether, by reference to this SDRP Policy and such principles of law the Evaluator deems appropriate, whether the Sunrise Registration is ineligible. In all instances, the burden of proof shall be on the Complainant, and the Evaluator shall further state whether the Complaint is frivolous, or has not been submitted upon appropriate due diligence set forth in Paragraph 4.A. hereof.

The Evaluator will, in the absence of extenuating circumstances, submit its decision to the Registry within fifteen (15) business days of the Evaluator's receipt of the Complaint, Response, or any additional materials. The Registry shall subsequently transmit the Evaluator's decision to the parties.

F. Maintenance of Status Quo / Implementation

Any domain names in the .phone TLD involved in a SDRP proceeding will be locked against transfer to another domain name holder or another registrar during the course of a proceeding. The Registry will implement the decision after ten (10) business days, in the absence of notice to the Registry of an action filed by the Complainant or the Respondent in the jurisdiction of (a) the Registry, (b) the Registrant, or (c) the stated jurisdiction of the registration agreement, whereupon implementation of the Decision will be determined by the relevant litigation provisions of the Uniform Domain Name Dispute Resolution Policy.

G. Frivolous Filings

Upon the occurrence of three Decisions in respect of a Complainant, Complainant's counsel, or Complainant's counsel's firm, having been found to be frivolous, or otherwise not been submitted upon appropriate due diligence, such Complainant, Complainant's counsel and Complainant's counsel's firm shall be barred from further filings under this SDRP.

5. Effect of Other Proceedings

The administrative proceeding under the SDRP shall not prevent either party from submitting a dispute concerning the domain name in the TLD to concurrent administrative proceedings or to a court of competent jurisdiction for independent resolution during a pending SDRP administrative proceeding or after such proceeding is concluded. Upon notice of such other proceeding, the SDRP proceeding will be terminated (in the sole discretion of the Evaluator as to the competence of such jurisdiction) in deference to the outcome of such other proceeding.

6. SDRP Modifications

The Registry reserves the right to modify this SDRP subject to the Registry Agreement, applicable ICANN Requirements and the TMCH Requirements. Such revised SDRP shall be posted on the Registry Website, <https://call.phone> at least ten (10) 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, all such changes will be binding with respect to any dispute, whether the dispute arose before, on or after the effective date of the change. In the event that registrant objects to a change in this SDRP, the sole remedy is to cancel the registration, provided that registrant will not be entitled to a refund of any fees paid in connection with such registration. The current version of the SDRP is available at <https://call.phone>.