.RICH Sunrise Policy

1. Overview

In order to assist trademark owners with protecting their trademarks during the launch of .RICH the Registry Operator has developed this Sunrise Policy, which describes, among other items,

> (i)   the terms under which trademark owners may submit Sunrise Applications to the Registry during the Sunrise Period, and

> (ii)   the rules under which Sunrise Applications may be challenged.

The Sunrise Period allows trademark holders and agents that have successfully submitted trademark records, verified by the Trademark Clearinghouse ("TMCH"), an opportunity to register domain names derived from the registered and validated mark names contained in the Trademark Database ("TMDB"). The Sunrise Period precedes the Landrush and General Availability periods of the new gTLD, which are open to the public.

Registry Operator will offer a sixty (60) day End Date Sunrise Period, specifically in relation to Rights Protection Mechanisms. Only holders of SMD Files provided by the TMCH Sunrise and Claims Operator or their agents are allowed to submit Sunrise Application(s). Successful Sunrise Registration(s) will be allocated to trademark holders after the Sunrise Period ends unless two or more Sunrise Applicants apply for the same TLD. In that case, the Sunrise Applicants will resolve contentions through an auction process with the Registry Operator's authorized Auction Provider.

2. Registration Channel and Basis Application Requirements

2.1 Sunrise Applications can only be submitted to the Registry by a Registrar.

2.2 The Registry Operator will not process the Sunrise Application unless

(a) the Sunrise Applicant submits a Signed Mark Data file (SMD File) provided by the TMCH Sunrise and Claims Operator which is encoded with a Domain Name Label in the applied-for Domain Name and signifies that the TMCH has verified that the trademark contained in the SMD File meets the requirements for inclusion in the TMCH in accordance with TMCH Guidelines in force at the time the Sunrise Application was filed.

(b) The SMD File is received by the Registry Operator within the Sunrise Period.

(c) The Sunrise Applicant pays the Sunrise Validation (Application) and Processing (Registration) Fee.

3. Reserved Names and Premium Auctions

Registry Operator may reserve, and not allow the Sunrise Application of any Domain Names which:

(a) appear on the list of reserved strings set forth in Specification 5 of the Registry Agreement;

or

(b) such other names as are designated by Registry Operator to be reserved prior to and/or during General Availability of the Registry TLD to the public.

4. Eligibility

During the Sunrise Period, only the holder of a SMD File provided by the TMCH Sunrise and Claims Operator will be eligible to file a corresponding Sunrise Application.

5. Identical Match of the applied for domain name label to the Trademark

The domain name applied for during the sunrise period must be an identical match to the mark on which the sunrise applicant based its Sunrise Application.

Identical Match is when the domain name label is an identical match to the trademark, meaning that the label consists of the complete and identical textual elements of the mark in accordance with section 4.2.1 of the TMCH Guidelines. In this regard:

a) For a trademark exclusively consisting of letters, words, numerals and/or special characters: the recorded name of the mark is an identical match to the reported name as long as all characters are included in the trademark record provided to the TMCH and in the same order in which they appear on the trademark certificate.

b) For marks that do not exclusively consist of letters, words, numerals, or special characters: the recorded name of the trademark is an identical match to the reported name as long as the name of the trademark includes letters, words, numerals, keyboard signs, and punctuation marks that are:

(i) predominant;

(ii) clearly separable or distinguishable from the device element; and

(iii) all predominant characters are included in the trademark record submitted to the TMCH in the same order they appear in the mark.

6. String Requirements for Domain Names applied for during the Sunrise Period

Registry Operator, via Registry Service Provider, will not accept a Sunrise Application unless the applied-for Domain Name meets the applicable requirements as defined in RFC 1035m 2181 and RFC 1123, including the following technical and syntax requirements. The Domain Name Label must:

•   if ASCII, consist exclusively of the letters A-Z, the numbers 0-9, and hyphens;
•   if non-ASCII (e.g., IDN), consist of language scripts offered by the Registry (as specified on the Registry Website);
•   not begin or end with a hyphen ('-');
•   not exceed 63 characters;
•   contains at least one character (not including the .RICH); and
•   not contain hyphens, except where two consecutive hyphens (-) are used in the 3rd and 4th positions, when preceded by "xn" and followed by a label that corresponds with an IDN containing characters referred to in Subsection (b) above.

7. Sunrise Application Validation

Sunrise Applications submitted during the Sunrise Period are subject to validation before the Registry will issue a Domain Name Registration.

Upon request of the Registry a Validation Agent will attempt to verify that the domain name applied for during the Sunrise Period is an identical match to the Validated Mark in the SMD File, meaning that the domain consists of the complete and identical textual elements of the mark in accordance with section 4.2.1 of the TMCH Guidelines. The Validation Agent will then inform the Registry of its findings. If the Validation Agent is unable to validate the Sunrise Application, the Registry will reject that Sunrise Application.

If more than one Applicant submits a valid Sunrise Application for the same domain name, all Sunrise Applicants for that name will be notified of the claims and will proceed to an auction where the highest bidder wins. The auction process will be governed by the terms and conditions published by the Auction Provider and provided to such Applicants ("Auction Rules"). Any auction fees, charges and the final bid price for the domain name will be the responsibility of the Applicant. Where notified of the result of an auction, Registry Operator will ensure that the domain name is Eligible for Allocation to the successful bidder.

8. Sunrise Dispute Resolution

Any party may file a Complaint according to the .RICH Sunrise Dispute Resolution Policy on the following grounds:

(a)   at time the challenged domain name was registered, the registrant did not hold a trademark registration of national effect (or regional effect) or the trademark had not been court-validated or protected by statute or treaty;

(b)   the domain name is not identical to the mark on which the registrant based its Sunrise registration; or

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

Such SDRP claim shall be filed with the Dispute Resolution Provider no later than 90 days after Sunrise Period ends.

Parties participating in an auction may bring a Complaint under this SDRP prior to the auction against an opposing party to the same auction. The Auction will be suspended pending the resolution of the SDRP if the complainant notifies the Registry Operator within the five (5) calendar days following the Registry's notification of auction regarding the relevant domain name(s). Such notice must be in writing. The SDRP Complaint shall be filed with the National Arbitration Forum within five (5) calendar days of the written notice. If the SDRP Complaint is not filed, the auction shall proceed as scheduled. Once an auction is concluded, if an SDRP claim is brought and the losing bidder prevails, the auction price to the losing bidder will be the amount of the last bid made by that bidder.