

Sunrise Registration and Sunrise Dispute Resolution Policy <.VERMÖGENSBERATUNG>

1. Purpose

This Sunrise Registration and Dispute Resolution Policy (the "Policy") defines the Sunrise Eligibility requirements during Registry Operator's Sunrise Registration Period and describes the process and standards that will be applied to resolve challenges alleging that a domain name has been registered in <.VERMÖGENSBERATUNG> in violation of the Registry Operator's Sunrise Eligibility Requirements.

2. Sunrise Period

Registry Operator will implement a sixty (60) day End Date Sunrise Period meaning Sunrise registrations will not occur during Sunrise. Rather, at the end of the Sunrise Period, sole applicants meeting all Sunrise criteria for an available domain will be awarded their applied for domain name.

The Sunrise Period precedes the general availability period for the <.VERMÖGENSBERATUNG> TLD.

3. Sunrise Eligibility Requirements

- a) Only Applicants who meet the Registrant Eligibility Requirements and have a valid Signed Mark Data file issued by the TMCH will be permitted to apply for and register a domain name that identically matches the trademark, trade name, or service mark record in the TMCH.
- b) *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:

(1) 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.

(2) For a 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.

- c) 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 <.vermögensberatung>); and
- not contain hyphens in the third and fourth position, except if they represent valid internationalized domain names in their ASCII encoding, namely 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 above.

4. Sunrise Application Process

- a) All Sunrise applications must be submitted via the Registry's accredited registrars. Any invalid SMD Files submitted will result in rejection of registration.
- b) SMD Files submitted with Sunrise Applications are validated by the Registry. Sunrise Applications missing a valid SMD File or containing an invalid SMD File will be rejected by the Registry.
- c) Domain Names for which a valid Sunrise Application has been received that (1) meet the Sunrise Registration eligibility criteria described herein and (2) were submitted in accordance with Registry Policies, ICANN Requirements, and the Registry-Registrar Agreement, will be allocated to the Applicant following the close of Sunrise.
- d) If more than one Sunrise Application for the same Domain Name meet the eligibility criteria described herein, the Sunrise Applications will be submitted to an Auction Provider
- e) Domain Names awarded to successful Sunrise Applicants at auction will be allocated by the Registry following the conclusion of such auction.

5. Sunrise Application Validation

- a) Sunrise Applications submitted during the Sunrise Period are subject to validation before the Registry will issue a Domain Name registration.
- b) 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.

6. Sunrise Auction

If more than one Applicant submits a valid Sunrise Application for the same Domain Name, the Registry will notify the applicable Registrar(s) at the end of the Sunrise period and the Domain Name will be blocked from general availability throughout the auction process. The prevailing Applicant for the Domain Name will be determined at an auction hosted by an auction provider of Registry Operator's choice ("Auction Provider"). The auction process will be governed by the terms and conditions published by the Auction Provider and provided to such Applicants ("Auction Rules"). Domain Names awarded to successful Sunrise Applicants at auction will be allocated by the Registry Operator typically within seven (7) days of notification from the Auction Provider that the auction has concluded.

7. Sunrise Dispute Resolution

All domain names registered during the Sunrise period will be subject to the Sunrise Dispute Resolution Policy, which provides third parties the ability to challenge that a domain name registration was improperly



granted. This process will be administered by Registry Operator in accordance with its rules and policies that will be available on via Registry Operator's website.

- a) A Complaint against an improper Sunrise allocation can be based on the following grounds:
- (1) 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; or
 - (2) the domain name is not identical to the mark on which the registrant based its Sunrise registration; or
 - (3) 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; or
 - (4) the trademark registration on which the domain name registrant based its Sunrise registration did not issue on or before the effective date of the Registry Agreement and was not applied for on or before ICANN announced the applications received.
- b) A SDRP complaint against a domain name registration shall be filed with the Registry Operator, along with any applicable fees as provided on the Registry Operator's website, no later than 60 days after the end of the Sunrise Period. SDRP complaints shall be filed in German, state the applicable ground and annex any relied-upon supporting material. Registry Operator will thereafter commission an expert to evaluate properly-lodged SDRP claims in accordance with this Sunrise Registration and Sunrise Dispute Resolution Policy.

Applicable procedures for dispute resolution will be established by the expert on appointment and will include, inter alia, the procedure for response filing and timelines for evaluation.

- c) If the domain name is found to be improperly allocated during the Sunrise Period, the following remedies will apply:
- (1) If the complainant had submitted a valid Sunrise application for the disputed domain name, the disputed domain name will be registered in favour of the complainant, provided that the complainant has submitted the only valid Sunrise application. If there is more than one valid Sunrise application for the disputed domain name, the dispute resolution process will continue for the remaining Sunrise applications, including that of the complainant.
 - (2) If no other valid applications have been submitted for the disputed domain name during the Sunrise Registration period, the disputed domain name will be cancelled and will be returned to the pool of names available for General Registration in the <.VERMÖGENSBERATUNG> TLD.