

.ASIA Registry Policies Document			
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Executive Summary			

This document sets out the Sunrise policies and process for the launch of the .ASIA Registry. These policies and process are designed to ensure an orderly and equitable allocation of domains to qualified parties before the Registry is opened for general registrations. The Sunrise process is separated into 3 main phases: Sunrise 1 provides priority for governments in the community to reserve and register domains; Sunrise 2 allows Registered Mark owners to obtain domains corresponding to the marks they own; and Sunrise 3 allows registered companies, organisations and other entities in the DotAsia Community to obtain domains corresponding to their entity names.

Sunrise 1 (SR1) is preceded by a Pre-Sunrise period when governments from the region are invited to submit to the .ASIA Registry a list of Reserved Names. Details of the Reserved Names process are included in the .ASIA Reserved Names Policies (<http://reservednames.policies.registry.asia> and any subsequent updates). During SR1, appropriate government bodies or relevant organisations may “activate” (i.e. apply to register) names from the Reserved Names list. The appropriateness of these Applications will be verified through Governmental Acknowledgement References (GACKREF). GACKREFs will be the ICANN GAC (Internet Corporation for Assigned Names and Numbers Government Advisory Committee) representative of the corresponding government, or an otherwise designated reference contact. SR1 Applications will be processed and allocated on a First-Come-First-Served basis.

Sunrise 2 (SR2) is divided into 3 sub-phases:

- SR2a: Early Bird Sunrise, for trademarks and service marks registered and in full force and effect, with Demonstrable Usage in the class (where applicable) for which it was registered, and was applied for on or before March 16, 2004.
- SR2b: General Registered Marks Sunrise, for trademarks and service marks registered and in full force and effect, and applied for on or before December 6, 2006.
- SR2c: Extended Protection, for Registered Marks (qualified in SR2a or SR2b) combined with relevant word(s) from the applicable class title, subtitle or description of the mark registration.

All applicants under SR2 will be required to provide bibliographical data relating to the marks giving rise to entitlement under this phase (such bibliographical data to be submitted via EPP¹). Applicants may also be required to provide further documentary evidence to substantiate such claim of entitlement as directed by the Verification Agent.

¹ See Definitions in Section 1.1

Title:	.ASIA Sunrise Policies		
Status:	Complete	Version:	2.0
		Page:	1 of 28

Sunrise 3 (SR3) allows companies, societies or other organisations in the DotAsia Community to register domains for their corresponding names. The entity should be in good standing and be registered with the relevant authority on or before December 6, 2006. Declaration to the claimed name along with documentary evidence (which may also be submitted via EPP as a URL) is required to complete the Application process. Documentary evidence submitted will be posted publicly.

Based on the experience observed in previous launches of TLD registries, the .ASIA Registry understands that a pure first-come-first-served process for SR2 and SR3 may create a race condition and render the allocation process into a lottery-like situation. To mitigate against such chaotic process all Applications received during the respective SR2 and SR3 periods will be treated as received at the same time (within their respective periods). If there is only one successfully verified applicant for a domain, it will be allocated to the applicant. If more than one applicant to the same domain passes the verification process, all successfully verified applicants will be invited to bid for that domain in an auction. Notification of the auction along with information about competing bidders will be made available reasonably ahead of time to all bidders before an auction commences.

Amendments to an Application will be allowed and directed by the Verification Agent. A general reconsideration process is also available for declined Applications. An applicant whose Application was declined may initiate the reconsideration process within 7 days of the notice.

The Sunrise policies are intended to provide an equitable, orderly, transparent and logical process for the launching of the .ASIA Registry. It takes into consideration the prior rights of stakeholders in the community. These policies have been designed to deter abusive registrations while balancing the interests of legitimate prior rights owners. Nevertheless, the .ASIA Registry does not guarantee that all interests will be perfectly addressed. It must be emphasised that any decision in the Sunrise process is not a reflection of the validity of any prior right claimed. No applicants or interested parties are debarred from asserting or enforcing its rights to a domain against another Registered Domain Holder through the ICANN Uniform Dispute Resolution Policy or other competent tribunal.

Table of Contents

1	Introduction	3
1.1	Definition	4
1.2	Scope & Documentation	6
2	Pre-Sunrise & Sunrise 1 (SR1): Governmental Reserved Names	7
2.1	Acceptable Registrations in SR1	7
2.2	Acknowledgement of SR1 Applications	7
3	Sunrise 2 (SR2): Registered Marks	8
3.1	General Process for SR2 Applications	8
3.2	Licenses, Transfers and Name Changes	10
3.2.1	Licensee of Registered Marks	10
3.2.2	Transferee of Registered Marks	10
3.2.3	Discrepancy in Identity of Registered Holder of Marks	10
3.2.4	Nature of Entitlement	10
3.3	Eligible Text String for the Domain Name Applied For	10
3.3.1	Exceptions for Spaces, Punctuations and Special Characters	11
3.3.2	Exceptions for Accented and Combined Characters	11
3.3.3	Exceptions for Registered Mark Type or Entity Type Identifiers	12
3.3.4	Exceptions for the term "Asia"	12

Title:	.ASIA Sunrise Policies				
Status:	Complete	Version:	2.0	Page:	2 of 28

3.3.5	Transliteration and Other forms of Variants.....	12
3.4	Sunrise 2a (SR2a): Early Bird Sunrise for Registered Marks	12
3.4.1	Criteria for SR2a: Early Bird Sunrise Applications.....	13
3.4.2	Documentary Evidence Requirements for SR2a	13
3.5	Sunrise 2b (SR2b): Registered Marks	14
3.6	Sunrise 2c (SR2c): Extended Protection for Registered Marks	15
3.6.1	Criteria for SR2c: Extended Protection Applications	16
3.6.2	Required Information for SR2c Applications.....	16
3.7	Amendment and Reconsideration Process for SR2 Applications.....	17
3.7.1	Amendments to Applications	17
3.7.2	Reconsideration Process for Applications	17
4	Sunrise 3 (SR3): Unverified Registered Entity Names	18
4.1	Required Information for SR3 Applications.....	18
4.2	Domain and Application Eligibility.....	19
4.3	Documentary Evidence Requirements	19
4.4	Amendment and Reconsideration Process for SR3 Applications.....	20
5	Multiple Applications for a Domain	20
5.1	SR1: First-Come-First-Serve	20
5.2	SR2 and SR3: Auction Process.....	21
5.2.1	Eligibility of Bidders.....	21
5.2.2	General Form of Auction.....	22
5.2.3	Allocation of Domain Names	22
5.3	Landrush.....	22
6	Submission Processes and Registrar Requirements	22
6.1	Submission of Applications.....	23
6.1.1	Submission of Bibliographical Data for Registered Marks and Entities	23
6.1.2	Charter Eligibility Declaration Contact	24
6.1.3	Operations and Notifications (OPN) Contact	24
6.1.4	Reviewing Submitted Information by Applicants.....	25
6.2	Submission of Documentary Evidences	25
6.3	Registrar Responsibilities	25
6.3.1	Pre-Registration and Application Submission to the .ASIA Registry	25
6.3.2	Acting as the OPN Contact and Bidding On Behalf of Registrants.....	26
6.3.3	Provision of WHOIS Services during Sunrise and Landrush	26
6.4	Verification Agent Responsibilities.....	26
7	Miscellaneous Provisions	27
7.1	Modifications, Guidelines and Enforceability	27
7.2	Limitation of Liability and Decisions by Registry.....	27

Discussion

1 Introduction

The Sunrise process provides for the introduction of the .ASIA TLD in an orderly and equitable manner. Its purpose is to give reasonable protection and priority to stakeholders and certain prior rights holders, as well as to deter abusive and bad faith registrations. The .ASIA Sunrise policies are also designed to facilitate reliability for ICANN Accredited Registrars and the DotAsia Community and fair competition amongst registrants. It is intended to create a stable and effective launch and registration process for the benefit of various stakeholders and the Internet community at large. The multi-phase Sunrise process will be executed by the Registry Operator in accordance to the policy set out in this document.

Title:	.ASIA Sunrise Policies		
Status:	Complete	Version:	2.0
		Page:	3 of 28

The Sunrise process described in this document is derived from the framework referenced in the Registry Operator Agreement with ICANN (Appendix S). This framework incorporates the views gathered by the DotAsia initiative through extensive, in-depth discussions and consultation with the community throughout the comprehensive clarification process. It reflects those feedback and suggestions DotAsia received in the proposal and approval process with ICANN. Moreover, those feedbacks DotAsia received on the public drafts developed and posted following the ICANN agreement are also incorporated into this document. This document forms the complete policy and process adopted by DotAsia for the launch of the .ASIA Registry.

The following table provides a summary of the Startup phases and corresponding descriptions:

#	Phase	Description
0	Pre-Sunrise	Governments in the DotAsia Community will be invited (through their respective GAC representative or ccTLD) to submit a list of relevant reserved domains.
1	Sunrise 1	Individual governments or authorized bodies may “activate” (i.e. register) those domains from the reserved domains list on a First-Come-First-Served basis.
2	Sunrise 2	Holders of Registered Marks may apply for domains corresponding to the marks they hold.
3	Sunrise 3	Registered companies (private and public), organisations, societies and other associations are invited to apply for domains that correspond with their names.
4	Quiet Period	
5	Landrush	Applications for domains by the general public are accepted provided that Charter Eligibility Requirements are met.
6	Auction	If there are more than one applicant competing for the same domain, those applicants will be invited to take part in an auction for that domain.
7	Go Live	Live First-Come-First-Served registrations commence.

Note that for #4 and #6, the timing for the quiet period and auctions will follow the corresponding Sunrise and Landrush periods as determined in due course. In general, quiet periods and auctions will begin to be scheduled upon the completion of the application period for a particular phase or sub-phase.

1.1 Definition

.ASIA Registrar / Accredited Registrar

Accredited Registrar means an ICANN Accredited Registrar that is also Accredited for the .ASIA Registry in this document

.ASIA Registry or Registry

The ".ASIA Registry" or “Registry” is the TLD Registry Sponsored and operated by DotAsia Organisation Ltd. (“DotAsia”). DotAsia is a not-for-profit, limited-by-guarantee corporation incorporated in Hong Kong.

Title:	.ASIA Sunrise Policies				
Status:	Complete	Version:	2.0	Page:	4 of 28

Acceptable Extension	An Acceptable Extension is defined in this document as an extension to a Complete Match or an Acceptable Match, which is based on the registered class of the corresponding Registered Mark and included in the Domain Name Applied For.
Acceptable Match	An Acceptable Match means the text string of the Domain Name Applied For is identical to the textual or word element of the Registered Mark after applying any of those exceptions described in the document.
Accepted Electronic Format	Acceptable Electronic Format is a PDF or TIFF format file for which content in the file is legible and the file size for each page is not more than 400KB. Resolution is not generally restricted, however resolution of 150x150 dpi or higher is suggested.
Applicant	The Applicant of a domain name is the collective of entities implicated by the associated contacts of a domain registration Application. More specifically, this includes the Registrant Contact and the contact used in making the declaration that an Application meets the Charter Eligibility Requirement, as described in the Charter Eligibility Requirement Policies.
Charter Eligibility Requirements	Charter Eligibility Requirements mean the basic requirements to qualify as a domain registrant for the .ASIA Registry. A separate document, Charter Eligibility Requirement Policies provides further details on the subject.
Domain Name Applied For	The text string of the domain name, not including the TLD, submitted for registration
Demonstrable Usage	The usage of a Registered Mark (in the class registered, if applicable) that can be demonstrated to be registered and genuinely used in good faith and not merely a means to register a domain name or otherwise unutilized. Such demonstration of usage should include, for example: 1) samples or images of advertising, promoting, distributing, offering or selling of goods or services (in the registered class of the mark if applicable) of the Applicant bearing the Registered Mark in print or otherwise in display (e.g. signage or engravings); or, 2) public, unmotivated testimonial or evidence that relevant sectors of the public has been led to associate the textual or word elements of the Registered Mark with the goods or services for which the mark is used by the Applicant or with its consent. Such usage must also have taken place in at least one of the countries, economies or territories for which the mark has been registered.
DotAsia Community	The DotAsia Community is defined based on the geographical boundaries described by the ICANN Asia / Australia / Pacific region (AP Region): http://www.icann.org/montreal/geo-regions-topic.html
Entity Name	The name of a Juristic Entity, e.g. a company name, name of an organisation, or a partnership.
Exact Match	Exact Match means the Domain Name Applied For is identical to the textual or word element of the Registered Mark.
GAC	Government Advisory Committee of ICANN (http://gac.icann.org)

Title:	.ASIA Sunrise Policies				
Status:	Complete	Version:	2.0	Page:	5 of 28

GACKREF	Governmental Acknowledgement Reference is a special term used for the contact point for which the .ASIA Registry will be coordinating the Verification of domain registration Applications for Reserved Names compiled in the Pre-Sunrise period.
ICANN	Internet Corporation for Assigned Names and Numbers.
IDN	Internationalized Domain Names. Domain names that contain characters beyond the LDH repertoire.
LDH	Letter-Digit-Hyphen. A special term to describe the expression of a Fully Qualified Domain Name utilizing only the ASCII alphabet: A-z and digits: 0-9, plus the hyphen.
Registered Entity / Registered Entity Name	A Registered Entity corresponds to a legal entity that is not a natural person, that is registered in a national corporation registry or equivalent, in the DotAsia Community
Registered Mark	A trade or service mark that is registered and in full force and effect or equivalently registered mark.
Sponsoring Registrar	The Accredited Registrar for which a domain name is registered with.
TLD	Top Level Domain
UDRP	Uniform Dispute Resolution Policy means the ICANN UDRP as described in http://www.icann.org/dndr/udrp/policy.htm
Verification Agent	The .ASIA Registry intends to engage one or more Verification Agents to carry out the Verification of Sunrise Applications.
WIPO Standard ST.3	The "Recommended Standard on Two-Letter Codes for the Representation of States, Other Entities and Intergovernmental Organizations" maintained by WIPO (World Intellectual Property Organisation) and archived at: http://www.wipo.int/export/sites/www/scit/en/standards/pdf/03-03-01.pdf

1.2 Scope & Documentation

This document sets out the Sunrise policies for the .ASIA Registry only. Specific dates of the different Sunrise phases are not included herein.

Information about charter eligibility requirements will be provided in the Charter Eligibility Requirement Policies document (<http://chartereligibility.policies.registry.asia> and any subsequent updates). Technical implementation and specifications for the registry will be provided to Accredited Registrars separately.

Landrush processes are not provided in detail. In general, the Landrush period will be conducted similar to SR2 and SR3, in that all Applications received during the Landrush period will be considered to be received at the same time, and multiple applications resolved utilizing an auction model. No supporting claims for a Domain Name Applied For are required for a Landrush Application.

Title:	.ASIA Sunrise Policies				
Status:	Complete	Version:	2.0	Page:	6 of 28

Sections 2, 3 and 4 contain details on the criteria and process for Sunrise 1, Sunrise 2 and Sunrise 3 respectively. Section 5 describes the policies in relation to multiple Applications to the same domain name during the Sunrise and Landrush phases. Section 6 provides further information about the Application submission process, registrar responsibilities as well as the general scope of work of a verification agent. Finally, Section 7 contains miscellaneous policies about the obligations, liabilities and other terms and conditions of the Sunrise process.

2 Pre-Sunrise & Sunrise 1 (SR1): Governmental Reserved Names

Governments in the DotAsia Community will receive priority to reserve and register domain names in the .ASIA registry during the Pre-Sunrise and Sunrise 1 (SR1) phases. Conceptually, these reserved names would include the names or variants of countries, economies, cities, municipalities, regions, provinces, governments, government departments or other similar bodies, and other domains that are directly derived from or related to official governmental initiatives e.g. for the promotion of trade or tourism.

During the Pre-Sunrise phase, the DotAsia Organisation will use commercially reasonable best efforts to inform governments in the DotAsia Community and invite them to submit a list of relevant and appropriate domain names in the .ASIA registry to be reserved (Governmental Reserved Names). Invitation will be extended through each government's ICANN GAC representatives and through IANA ccTLD contacts in general.

Further information about the Pre-Sunrise arrangements, criteria, and submission process of the Reserved Names are provided in the .ASIA Reserved Names Policy.

2.1 Acceptable Registrations in SR1

During SR1, respective governments, official and/or appropriate bodies may "activate" (i.e. register) domains from the reserved names list obtained in Pre-Sunrise, provided that the .ASIA Charter Eligibility Requirement is also met. These activations must be registered through ICANN Accredited Registrars who are also .ASIA Accredited.

2.2 Acknowledgement of SR1 Applications

All SR1 Applications will go through an acknowledgement process coordinated with the corresponding Governmental Acknowledgement Reference (GACKREF). The GACKREF for each economy in the DotAsia Community will be its corresponding ICANN GAC representative, or an otherwise designated reference contact.

In addition to the general Application data, Applicants may be requested to provide further documentary evidence. Any request for documentary evidence must be submitted within the time period requested, as directed by the corresponding GACKREF, which shall be no less than 10 calendar days (or a longer period of time as appropriate). Submission of documentary evidence will be by electronic format primarily but the Registry may request submission by other formats as it deems necessary and as directed by the corresponding GACKREF. If the applicant fails to deliver the documentary evidence within the time period stipulated in the request, the Application shall lapse. A lapsed Application for a domain does not render that domain available to any other applicant; the domain remains reserved according to the .ASIA Reserved Names Policies and available to eligible applicants only.

Title:	.ASIA Sunrise Policies				
Status:	Complete	Version:	2.0	Page:	7 of 28

SR1 is conducted on a First-Come-First-Served basis. Allocation of a domain during SR1 shall be given to the first-in-line applicant provided that all documentary evidence requested, if any, were submitted on time and if the Application is successfully acknowledged by the corresponding GACKREF. All the other applicants for the same domain but were lower in Application order will be declined and notified.

Applications under SR1 may be declined if, without limitation, an applicant fails to submit adequate and timely documentary evidence in the correct format, if the corresponding Governmental Acknowledgement Reference (GACKREF) objects to the right claimed, the GACKREF fails to acknowledge the Application, or if the Registry considers such Application inappropriate. The next-in-line Application for that domain shall be assessed and processed accordingly. In such a case, subsequent Applicants are subject to the same acknowledgement process.

3 Sunrise 2 (SR2): Registered Marks

The general requirements for SR2 Applications are:

- Applicants must meet the Charter Eligibility Requirement;
- The Applicant must be the owner, co-owner or assignee of a corresponding Registered Mark that is registered and in full force and effect
- The Registered Mark must be applied for on or before the corresponding cut-off dates for a particular sub-phase; and
- The Registered Mark must be registered in a trademark office or trademark registry that corresponds to one of the states or other entities set out in the WIPO Standard ST.3 code.

Applications based on a mark that has not yet been registered and in full force and effect on or before the date the domain Application is made will be declined.

SR2 is further divided into 3 sub-phases:

- SR2a: Early Bird Sunrise, for Registered Marks with Demonstrable Usage and applied for on or before March 16, 2004.
- SR2b: General Registered Mark Sunrise, for Registered Marks applied for on or before December 6, 2006.
- SR2c: Extended Protection, for Registered Marks.

3.1 General Process for SR2 Applications

For SR2 Applications, Applicants must submit, as part of the Application, bibliographical data in relation to the right(s) that qualifies an applicant for the Domain Name Applied For. A Verification Agent engaged by the Registry will examine the data provided in order to verify the Applicants' eligibility for the Domain Name Applied For. The verification process is intended to check an Application's conformance with the Sunrise policy and whether the Domain Name Applied For is appropriate and acceptable. The result of the verification does not necessarily reflect the validity of the Registered Marks themselves.

Title:	.ASIA Sunrise Policies				
Status:	Complete	Version:	2.0	Page:	8 of 28

The data required for the verification of such rights include:

- **Registered Mark <ipr:name>**: Exact word or phrase described by the Registered Mark as applied to the Domain Name Applied For;
- **Registration Number <ipr:number>**: Registration or serial number of the Registered Mark’s current registration. This is not the trademark application number. This number must enable the Verification Agent to access the correct registration entry in the trademark registry or trademark office;
- **Registration Locality <ipr:ccLocality>**: Location (country/economy) where the right is established (using the corresponding WIPO Standard ST.3 two-letter code);
- **Application Date <ipr:appDate>**: Date the Registered Mark was applied (corresponding to the registration described by the Registration Number and Registration Locality in 2 and 3 above);
- **Registration Date <ipr:regDate>**: Date on which the competent trademark office has registered the Registered Mark (this is not the application date but the day for which the mark is registered and has entered into full force and effect);
- **Registered Class <ipr:class>**: Number of the Class of the Registered Mark according to the Nice Classification System (<http://www.wipo.int/classifications/nivilo/nice/index.htm#>). If more than one class has been registered with the domain, anyone can be used. This is an OPTIONAL field for SR2a and SR2b, and REQUIRED for SR2c. For SR2c, the appropriate corresponding class must be declared;
- **Nature of Entitlement <ipr:entitlement>**: Whether the Applicant (corresponding to the Registrant Contact) holds the trademark as the original “OWNER”, “CO-OWNER” or “ASSIGNEE”. Please utilize “ASSIGNEE” also to indicate where the ownership of the Registered Mark is not yet reflected by the trademark office, such as in the case where the mark is recently transferred (see also Section 3.2 below for further details);
- **Sunrise Phase <ipr:type>**: “SR2a” / “SR2b” / “SR2c”.

In addition to the information provided above, Applicants may be requested to submit further documentary evidence. Any request for documentary evidence must be responded to within the time period specified by the Verification Agent, which shall be no less than 10 calendar days. Submission of documentary evidence will be primarily by electronic format. Other formats, such as an original copy or a certified copy of an original may be requested as the Verification Agent deems necessary. If an applicant fails to deliver the documentary evidence within the time period stipulated in the request, the Application shall lapse.

Multiple Applications to a domain name are accepted in SR2. Domains with only one Application will be allocated to that applicant provided that its Application is successfully verified. For domains with more than one Application, each Application will be verified for conformance. If only one Application is verified successfully, the domain will be allocated to that successfully verified applicant. If more than one Application is successfully verified, all successfully verified applicants will be invited to bid for the Domain Name Applied For in accordance with the Auction process set out in Section 5.2 below.

Title:	.ASIA Sunrise Policies				
Status:	Complete	Version:	2.0	Page:	9 of 28

3.2 Licenses, Transfers and Name Changes

3.2.1 Licensee of Registered Marks

If an Applicant has obtained a licence for the Registered Mark claimed in the Application, the Applicant may be requested by the Registry and/or the appointed Verification Agent to provide for a license declaration (a template form will be made available by the Registry). Such declaration must be duly completed and signed by both the licensor of the claimed Registered Mark and the Applicant (as licensee). If the Applicant is a sub-licensee, it may be required to enclose a second declaration, duly completed and signed by the ultimate owner of the registered trade mark concerned and the latter's licensee.

3.2.2 Transferee of Registered Marks

If an Applicant is the transferee of the Registered Mark claimed in the Application and the documentary evidence submitted and/or the official online trademark, as claimed by the Applicant in the Application, does not clearly indicate that such Registered Mark has been transferred to the Applicant, the Applicant may be requested by the Registry and/or the appointed Verification Agent to submit a transfer declaration (a template form will be made available by the Registry) duly completed and signed by both the transferor of the relevant Registered Mark and the Applicant (as transferee).

3.2.3 Discrepancy in Identity of Registered Holder of Marks

If, for any reasons other than as are referred to in Section 3.2.1 and 3.2.2 hereof, the name of the Applicant does not correspond with the name of the holder of the Registered Mark claimed as reported in the documentary evidence and/or the official online trademark database, as claimed by the Applicant in the Application, is registered (e.g. because the Applicant has become subject to a name change, a merger, the Registered Mark has become subject to a *de iure* transfer, etc.), the Applicant may be requested by the Registry and/or the appointed Verification Agent to submit official documents substantiating that it is the same person as or the legal successor to the person indicated in the documentary evidence and/or the respective official online trademark database as being the holder of the Registered Mark.

3.2.4 Nature of Entitlement

In any of the above cases, the Applicant must mention "ASSIGNEE" in the field Nature of Entitlement <ipr:entitlement> in the bibliographical data for its Application.

3.3 Eligible Text String for the Domain Name Applied For

The Domain Name Applied For must be an Exact Match or an Acceptable Match with the Registered Mark (or Entity Name in the case for Sunrise 3) claimed by the Applicant. The Domain Name Applied For must be identical to the textual or word element of the Registered Mark. Further, for Registered Marks that include words, devices, pictures, logos etc, the Domain Name Applied For must be the text or word exclusively contained and in its entirety in the Registered Mark. That text or word must be predominant and can be clearly separated or distinguished from the device element.

Title:	.ASIA Sunrise Policies				
Status:	Complete	Version:	2.0	Page:	10 of 28

Partial match between the Domain Name Applied For and the corresponding Registered Mark is not acceptable, except for text clearly separated or distinguished from the device element, or for SR2c (Extended Protection) Applications and when it satisfies the criteria set out for SR2c. Certain exceptions are provided for in consideration of the accepted technical limitations of the domain name system (DNS) and the nature of the .ASIA Registry. The resulting string after such exceptions will be considered an Acceptable Match of the claimed prior right. The priority between Exact Match and Acceptable Match Applications are not differentiated during the Sunrise period except where explicitly defined.

3.3.1 Exceptions for Spaces, Punctuations and Special Characters

For Registered Marks that contain spaces between textual elements, the spaces may be omitted or replaced by a hyphen. The resulting text will be considered an Acceptable Match with the Registered Mark. For example, a registered mark that contains the text: “A B C D”, the domains: “A-B-C-D.asia”, “ABCD.asia”, “AB-CD.asia”, etc. are considered Acceptable Matches.

Punctuations and special characters in a Registered Mark may also be omitted or replaced by hyphens. These characters include but are not limited to the following:

~ @ # \$ % ^ & * () _ - + = < > { } [] | \ / : ; ' , . ?

In the case of a sequence of these punctuation or special characters, they may be eliminated or replaced by one or more hyphens. The resulting text will be considered an Acceptable Match with the Registered Mark. For example “AB.asia” will be considered an Acceptable Match for “A+B”, “A--B”, “A-B”; “A--B.asia” will also be considered an Acceptable Match for “A==B”.

Punctuations and special characters may also be spelled out in full utilizing LDH (Letter Digit Hyphen) characters with appropriate word(s) describing the character. For example, “A+B” can be written as “AandB.asia” or “AplusB.asia”. Both will be considered an Acceptable Match. The appropriateness of the replacement word will be determined by the Verification Agent with additional information sought from the Applicant should there be any questions regarding the appropriateness of the word(s) used.

The .ASIA Registry recognises that after the omission of punctuation marks, the resulting Acceptable Match may entitle more than one applicant to the same domain. For example, “A&BC”, “AB&C” and “ABC” each have an entitlement to “ABC.asia” as an Acceptable Match. In such an event, provided that all applicants pass the verification process successfully, they will all be invited to take part in the process as set out in Section 5.2 below.

3.3.2 Exceptions for Accented and Combined Characters

During these initial Sunrise Phases, the .ASIA registry will not be accepting IDN (Internationalized Domain Name) registration Applications. Registered Marks that contain elements beyond the LDH (Letter Digit Hyphen) repertoire as technically accepted by the DNS (without IDN provisions) may replace those characters with corresponding LDH characters for which the additional element is removed or for which the characters are decoupled. For example, characters such as “ä”, “é”, “ñ”, “ø”, “æ” or “œ”, may be replaced by “a”, “e”, “n”, “o”, “ae” or “oe” respectively. The resulting text will be considered an Acceptable Match with the corresponding Registered Mark.

Title:	.ASIA Sunrise Policies				
Status:	Complete	Version:	2.0	Page:	11 of 28

3.3.3 Exceptions for Registered Mark Type or Entity Type Identifiers

Registered Mark references such as “TM”, “SM”, “®”, etc. may be eliminated in the Domain Name Applied For. The resulting text will be considered an Acceptable Match with the corresponding Registered Mark.

For those entities whose names are themselves registered trademarks (or for SR3), entity type identifiers such as “Ltd.”, “Co. Ltd.”, “Inc.” may be omitted to form the Domain Name Applied For. For example, “ABCD Ltd.”, “Ltd.” may be omitted from the Domain Name Applied For, and “ABCD.asia” shall be considered acceptable.

The appropriateness of all such omissions will be determined by the Verification Agent with additional information sought from the Applicant should there be any questions regarding the appropriateness of the omission.

3.3.4 Exceptions for the term “Asia”

Considering the nature of the .ASIA Registry and the community it serves, words or phrases denoting the word “Asia” and its variants, for example, “Asian”, “Asia Pacific”, etc. may also be omitted from the Domain Name Applied For. The resulting text string is considered as an Acceptable Match with the corresponding Registered Mark. For example, Registered Marks for “ABCD ASIA”, “ASIAN ABCD” or “ABCD ASIATIC” are all eligible for the domain “ABCD.asia”

During SR2a however, this exception only applies to the exact term “Asia” appearing at the end of a Registered Mark. For example, the Registered Mark owner of “ABCD ASIA” may apply for the domain “ABCD.asia” but the Registered Mark owner of “ABCD ASIAN” or “ASIA ABCD” will not qualify.

The appropriateness of such omissions will be determined by the Verification Agent with additional information sought from the Applicant should there be any questions regarding the appropriateness of the omission.

3.3.5 Transliteration and Other forms of Variants

Unless the transliteration, romanization or variant form of a Registered Mark or an Entity Name is registered explicitly as a variant or alternative of the mark or name, transliterations, including conventionally accepted spellings for accented characters (e.g. “oe” for “ö”) are not acceptable replacements.

The resulting text will not be considered an Acceptable Match.

3.4 Sunrise 2a (SR2a): Early Bird Sunrise for Registered Marks

Provided that they meet the criteria set out in the following section, holders of Registered Marks applied for on or before March 16, 2004 and have demonstrable usage are invited to apply for domains corresponding to the Registered Marks held by them during SR2a. Multiple Applications to a domain name are permitted in SR2a. Domains with only one Application will be allocated to that applicant provided that its Application is successfully verified. For domains with more than one Application, each Application will be verified for conformance. If only one Application is verified successfully, the domain will be allocated to that successfully verified

Title:	.ASIA Sunrise Policies				
Status:	Complete	Version:	2.0	Page:	12 of 28

applicant. If more than one Application is successfully verified, all successfully verified applicants will be invited to bid for the Domain Name Applied For in accordance with the Auction process set out in Section 5.2 below.

Domains with at least one successfully verified Application under this phase will be removed from the pool of available domain names for subsequent Sunrise phases (i.e. SR2b and onwards).

3.4.1 Criteria for SR2a: Early Bird Sunrise Applications

In addition to the requirements set out in Sections 3.1 to 3.3 above, applicants must also meet the following criteria to qualify for an SR2a Early Bird Application:

1. The Registered Mark for which the applicant is seeking a domain name must be applied for on or before March 16, 2004 (SR2a Cut-Off Date)²;
2. The Registered Mark must be registered and in full force and effect;
3. The applicant must have Demonstrable Usage (see definitions explained in Section 1.1) of the Registered Mark in the class (if applicable) for which the mark is registered in;
4. Those required information set out in Section 3.1 above must correspond to the registration records held by the trademark office or trademark registry at which the mark is registered (and used to make the declaration for the Application).
5. The registration records held by the relevant trademark offices or trademark registry must show that an applicant's Registrant Contact is the owner or co-owner of the Registered Mark, OR, the Registrant Contact must be an assignee of the Registered Mark.

3.4.2 Documentary Evidence Requirements for SR2a

Documentary evidence may be requested from applicants under the SR2a phase. An applicant may be required to provide the following documents if the Registry or the Verification Agent deems it necessary to ascertain its eligibility for the Domain Name Applied For:

- An electronic copy of an official document issued by the corresponding trademark office or trademark registry, or an extract from an official online database operated and/or managed by the corresponding trademark office or trademark registry, indicating that the trademark is duly registered or applied for on or before the SR2a Cut-off Date. Either the original registration or subsequent renewal certificates is accepted. The Applicant should provide accurate and up-to-date information for the consideration of the Verification Agent; and,
- If the Applicant is an assignee, licensee or is otherwise utilizing an identity that different than the Registered Holder of Marks of a Registered Mark, the requirements described in Section 3.2 above shall apply, and the Applicant may be asked to provide corresponding declarations. Otherwise, the documentary evidence provided must clearly indicate that

² Note that the date: March 16, 2004 corresponds to the date of the submission of the original .ASIA proposal to ICANN

Title:	.ASIA Sunrise Policies				
Status:	Complete	Version:	2.0	Page:	13 of 28

the Registrant Contact in the Application is also the reported owner or co-owner of the Registered Mark.

- An electronic copy of a document certified by a licensed legal practitioner clearly and unambiguously stating: 1) that the mark invoked by the Applicant has been genuinely used by the Applicant for goods and/or services mentioned in the class(es) (if applicable) in which the mark has been registered, 2) the date of first use of the mark by the Applicant, and, 3) evidence of the fact that the mark invoked by the Applicant in the domain name Application meets the relevant eligibilities set out in this policy. A template form for such document will be made available by the Registry. The certified document should be accompanied by certified documentation and/or sample images supporting that the Registered Mark as used by the Applicant fulfils the Demonstrable Usage required (see definitions explained in Section 1.1).

For documents that are not in English, applicants may be required to supply a certified translation of the document in the English language. The Registry or Verification Agent may further request other relevant documents as well as the original copy of any certified or relevant documents if it deems necessary for the verification of the Application.

3.5 Sunrise 2b (SR2b): Registered Marks

Similar to SR2a, SR2b provides the opportunity for Registered Marks owners to secure domain names in the .ASIA Registry that correspond to their marks. There is no requirement for demonstrable usage of the mark for SR2b.

Domains that already have at least one successfully verified applicant from SR2a will not be available in SR2b. However, due to time necessary for verification, the verification process for SR2a Applications may be ongoing at the commencement of the SR2b phase. If a domain applied under the SR2b phase is later found unavailable to SR2b applicants by reason of a successful SR2a Application, all pending Applications for that particular domain under SR2b will be automatically declined and refunded.

Multiple Applications to a domain name are accepted in SR2b. Domains with only one Application will be allocated to that applicant provided that its Application is successfully verified. For domains with more than one Application, each Application will be verified for conformance. If only one Application is verified successfully, the domain will be allocated to that successfully verified applicant. If more than one Application is successfully verified, all successfully verified applicants will be invited to bid for the Domain Name Applied For in accordance with the Auction process set out in Section 5.2 below.

Domains with at least one successfully verified Application under this phase or previous phases, will be removed from the pool of available domain names for subsequent Sunrise phases (i.e. SR2c and onwards).

The criteria set out in Sections 3.1 to 3.3 above are equally applicable to SR2b Applications. Additional criteria for SR2b Applications are:

1. The Registered Mark for which the applicant is seeking a domain name must be applied for on or before December 6, 2006 (SR2b Cut-Off Date)³.

³ Note that the date: December 6, 2006 corresponds to the date of the execution of the Registry Operator Contract between the DotAsia Organisation and ICANN

Title:	.ASIA Sunrise Policies				
Status:	Complete	Version:	2.0	Page:	14 of 28

2. The Registered Mark must be registered and in full force and effect;
3. Those required information set out in Section 3.1 above must correspond to the registration records held by the trademark office or trademark registry at which the mark is registered (and the bibliographical data used for the Application).
4. The registration records held by the relevant trademark offices or trademark registry must show that an applicant's Registrant Contact is the owner or co-owner of the Registered Mark, OR, the Registrant Contact must be an assignee of the Registered Mark.

Documentary evidence may be requested from the applicants under the SR2b phase if the Registry or the Verification Agent deems it necessary to ascertain its eligibility for the Domain Name Applied For, for example, if the applicant registrant is an assignee of the Registered Mark. When required, an applicant will be asked to provide, at a minimum, electronic extract from an official online database operated and/or managed by the corresponding trademark office or trademark registry, and/or a certified true copy (certified by a licensed legal practitioner) of an official document issued by the corresponding trademark office or trademark registry indicating that the mark is duly applied for on or before December 6, 2006 and issued to the applicant's Registrant Contact. If the Registrant Contact is an assignee, a declaration of such assignment may be requested as described in Section 3.2 above.

The Registry or Verification Agent may further request the original copy of any certified or relevant documents if it deems necessary. Applicants may also be requested to supply a certified translation (in English) of any documents that are not in the English language.

3.6 Sunrise 2c (SR2c): Extended Protection for Registered Marks

SR2c is intended to provide extended protection for Registered Mark owners before .ASIA domain names become more widely available in Sunrise 3, Landrush and subsequent Go Live launch of the Registry. Holders of Registered Marks that qualify for SR2a or SR2b and whose marks conform to the Nice Classification system (<http://www.wipo.int/classifications/nivilo/nice/>) are invited to apply for additional domains that incorporate both their mark (in entirety) and significant words from the titles, subtitles and descriptions of their respective classes.

Similar to SR2a and SR2b, domains with at least one successfully verified applicant from higher priority phases (SR2a or SR2b) will not be available in SR2c. However, due to Sunrise schedules and/or time necessary for verification, the verification process for SR2a and SR2b Applications may be ongoing at the commencement of the SR2c phase. If a domain applied during SR2c is later found unavailable to SR2c applicants by reason of a successful SR2a or SR2b Application, all pending Applications for that particular domain under SR2c will be automatically declined and refunded.

Multiple Applications to a domain name are accepted in SR2c. Domains with only one Application will be allocated to that applicant provided that its Application is successfully verified. For domains with more than one Application, each Application will be verified for conformance. If only one Application is verified successfully, the domain will be allocated to that successfully verified applicant. If more than one Application is successfully verified, all successfully verified applicants will be invited to bid for the Domain Name Applied For in accordance with the Auction process set out in Section 5.2 below.

Title:	.ASIA Sunrise Policies				
Status:	Complete	Version:	2.0	Page:	15 of 28

Domains with at least one successfully verified Application under this phase or higher priority phases will be removed from the pool of available domain names for subsequent Startup phases (i.e. SR3 and onwards).

3.6.1 Criteria for SR2c: Extended Protection Applications

Subject to the requirements set out in section 3.3 above concerning text string eligibility, the Domain Name Applied For may contain additional words or phrases (hyphenated or combined -- i.e. space removed) that appear in the class title, subtitles or descriptions for which the Registered Mark is registered for. The Nice Classification system and the reference text found at: <http://www.wipo.int/classifications/nivilo/nice/index.htm> (including the different versions and editions provided at the WIPO website), will be used. To be an Acceptable Extension to the Domain Name Applied For, the word(s) taken from the class title, subtitle or description to be appended to the Registered Mark must be a significant enough word to identify the class the mark is associated with.

For example, "Class 1" based on the 9th edition of the NICE Classification by the World Intellectual Property Organization (WIPO) has the following description: "*Chemicals used in industry, science and photography, as well as in agriculture, horticulture and forestry; unprocessed artificial resins, unprocessed plastics; manures; fire extinguishing compositions; tempering and soldering preparations; chemical substances for preserving foodstuffs; tanning substances; adhesives used in industry.*" A Registered Mark for "ABCD" under this class may therefore apply for "ABCDChemicals.asia", "ChemicalsABCD.asia", "ABCD-Tanning-Substances.asia" or "ABCDFireExtinguishingCompositions.asia" etc., but not "ABCD-in-industry.asia" or "ABCDunprocessed.asia", etc.

Plural or other grammatical forms of significant words denoting the class being described are also accepted. Resulting text strings of combining an Exact Match or Acceptable Match domain for a Registered Mark with Acceptable Extensions will be considered acceptable Applications for SR2c. The appropriateness of such combinations will be determined by the Verification Agent.

3.6.2 Required Information for SR2c Applications

The required information as set out in Sections 3.1 and 3.2 above applies to SR2c Applications. Applicants must provide the class number <ipr:class> as applicable to the Registered Mark that corresponds to the Domain Name Applied For in the SR2c Application. For marks that are registered in multiple classes, the appropriate corresponding class (based on the additional word -- Acceptable Extension -- chosen from the class to be added to the Registered Mark to form the Domain Name Applied For) must be declared with each SR2c Application.

The Registry or Verification Agent may request documents such as those described under SR2a and SR2b to substantiate the claim of the Registered Mark. Furthermore, the Registry or Verification Agent may request from the applicant original copies of any certified or relevant documents it deems necessary.

The appropriateness of the Domain Name Applied For and the Acceptable Extensions will be determined by the Verification Agent with additional information sought from the Applicant should there be any questions regarding the appropriateness of the Domain Name Applied For.

Title:	.ASIA Sunrise Policies				
Status:	Complete	Version:	2.0	Page:	16 of 28

3.7 Amendment and Reconsideration Process for SR2 Applications

To allow for a more comprehensive, positive and flexible verification process for SR2 Applications, a simple standard amendment and reconsideration process is incorporated into the Sunrise process.

Note that it is the responsibility of the Applicant to provide full, accurate and up-to-date information in the Application. The Verification Agent will use its best efforts to determine whether a mistake can be corrected through the Amendment process or through the reconsideration process. The Applicant and the Sponsoring Registrar expressly acknowledge and accept that the Registry and the Verification Agents cannot be held liable in case inaccurate, incomplete and/or outdated information has been submitted to them.

3.7.1 Amendments to Applications

During verification, if it appears to the Verification Agent that an Application contains an error correctable via an amendment process, the Verification Agent may either directly, through the .ASIA Registry, or the corresponding Sponsoring Registrar, request an amendment, clarification or correction from an Applicant. This includes the consideration for typographical mistakes, as well as Applications that may be submitted for the wrong phase or sub-phase. For example, the consideration for an Application submitted for SR2a but in fact should have been for SR2b.

The applicant will be notified and given no less than 7 calendar days (or a longer period of time as stipulated by the Verification Agent) to provide the clarification or confirm suggested amendments by the Verification Agent to facilitate the correction or amendment. If an applicant fails to provide the clarification or confirm an amendment within the time stipulated, the verification process for that Application shall proceed on the basis of the information originally provided, or as the Verification Agent deems appropriate.

3.7.2 Reconsideration Process for Applications

If an Application fails the verification process, the applicant will be notified. Upon the notification, an applicant may seek reconsideration within 7 calendar days and upon payment of a reconsideration fee (such reconsideration request and payment should be procured via the sponsoring .ASIA Accredited Registrar). An applicant may seek reconsideration on the basis of the information (and documentary evidence if any) already supplied in its initial Application, or it may provide amendments and/or additional documentary evidence in support of its eligibility for the Domain Name Applied For (including adjustments to the original Domain Name Applied For).

If an Application is successfully verified upon reconsideration, the Application will be treated as successfully verified in the first instance. On the contrary, an unsuccessful reconsideration will result in the Application being declined and no further reconsideration is available. The reconsideration process is intended to provide a simple and cost-effective means to correct Application issues that may arise in the allocation of domains by the .ASIA Registry during the Sunrise process. It is not intended to replace any other available dispute resolution mechanism available to applicants. Moreover, it is not an indication of the validity of an applicant's rights to a Registered Mark or other intellectual property right. Utilising (or failure to utilise) this reconsideration process does not debar an Applicant from seeking redress or asserting its rights against other applicants under the UDRP or other dispute resolution mechanism.

Title:	.ASIA Sunrise Policies				
Status:	Complete	Version:	2.0	Page:	17 of 28

4 Sunrise 3 (SR3): Unverified Registered Entity Names

Whereas SR2 caters to holders of Registered Marks, SR3 is designed for registered juristic entities such as companies, organisations, societies, cooperatives, partnerships, collectives, etc. in the DotAsia Community to register their own Entity Name as a domain in the .ASIA Registry. Personal names of natural persons not otherwise registered as a juristic entity are not eligible.

Domains with at least one successfully verified Application under SR2 will not be available for SR3 Applications. However, due to Sunrise schedules and/or time necessary for verification, the verification process for SR2 Applications may be ongoing at the commencement of the SR3 phase. If a domain applied under SR3 is later found unavailable to SR3 applicants by reason of a successful SR2 Application, all pending Applications for that particular domain under SR3 will be automatically declined and refunded.

Multiple Applications to a domain name are accepted in SR3. Domains with only one Application will be allocated to that applicant provided that its Application is successfully verified. For domains with more than one Application, each Application will be verified for conformance. If only one Application is verified successfully, the domain will be allocated to that successfully verified applicant. If more than one Application is successfully verified, all successfully verified applicants will be invited to bid for the Domain Name Applied For in accordance with the Auction process set out in Section 5.2 below. Domains with at least one successful Application under this phase or higher priority phases will be removed from the pool of available domain names for Landrush.

Unlike SR2 Applications, SR3 Applications will not be verified. However, the Registry and the Verification Agent may check The Domain Name Applied For against the applicant entity's declared Entity Name <ipr:name> and those documents submitted by the Applicant. The Domain Name Applied For must correspond with the Applicant's Entity Name and the name of the Registrant Contact.

4.1 Required Information for SR3 Applications

An applicant must be registered with an appropriate authority in one of the corresponding cc-localities (country / economy) in the DotAsia Community. Such authorities include company registries, business registries, society registries, cooperative registries etc.

For SR3 Applications, Applicants must submit as part of the Application complete registration information in relation to the applicant entity that qualifies it for the Domain Name Applied For. The information submitted in the Application must match with those records held at the corresponding registry.

The bibliographical information required for an SR3 Application include⁴:

- **Entity name <ipr:name>**: Exact word or phrase forming the Registered Entity Name as applied to the Domain Name Applied For (OPTIONALLY, the URL for the corresponding documentary evidence may be provided within this field);
- **Registration Number <ipr:number>**: Registration number of the Registered Entity;

⁴ Note that the use of the terms "ipr-" are intended for administrative and technical submission purposes and are not intended to imply any conference of intellectual property rights not already established.

Title:	.ASIA Sunrise Policies				
Status:	Complete	Version:	2.0	Page:	18 of 28

- **Registration Locality <ipr:ccLocality>**: Locality within the DotAsia Community at which the Registered Entity is registered (corresponding ISO3166 code);
- **Application Date <ipr:appDate>**: Date on which the Registered Entity applied for registration;
- **Registration Date <ipr:regDate>**: Date on which the Registered Entity was formally established by being duly registered;
- **Form of Entity <ipr:form>**: Form of Registered Entity:
 - a. Corporations or Companies
 - b. Cooperatives
 - c. Partnerships or Collectives
 - d. Government Bodies, States, Sovereigns or Municipalities
 - e. Political parties or Trade Unions
 - f. Trusts, Estates, Associations or Societies
 - g. Institutions
 - h. Other
- **Sunrise Phase <ipr:phase>**: "SR3".

4.2 Domain and Application Eligibility

The eligibility requirements for domain names as set out in Sections 3.2 and 3.3 above are equally applicable to SR3 Applications. The Domain Name Applied For must correspond with the name of the Applicant entity as registered, or declaration requirements as set out in Section 3.2 shall be sought. Rules governing Exact Match and Acceptable Match as described in Section 3.3 shall apply.

The registration of the Applicant entity must have been completed on or before December 6, 2006 (SR3 Cut-Off Date) and evidenced in the documentary evidence required in section 4.3 below.

The Registrant Contact in an applicant's domain name Application must correspond to the entity name as registered, or declaration requirements as set out in Section 3.2 must be otherwise fulfilled.

4.3 Documentary Evidence Requirements

In addition to the required information set out in Section 4.1, Applicants must supply documentary evidence in the SR3 phase in order to prove its eligibility for the Domain Name Applied For. Documentary evidence must be provided. The documentary evidence may be submitted via EPP by including a reference URL into the field <ipr:name> via EPP (e.g. <ipr:name>Company Ltd. [http://company.asia/cert.pdf]</ipr:name>), or must be submitted electronically otherwise within 10 calendar days of the filing of a domain name Application. This submission must be delivered in an Accepted Electronic Format (or posted at the URL provided).

For the purposes of an SR3 Application, an Applicant must supply at least one of the following:

- The registration record relating to the Applicant entity at the relevant registry;

Title:	.ASIA Sunrise Policies				
Status:	Complete	Version:	2.0	Page:	19 of 28

- Certificate of incorporation (and certificate for any subsequent change of names);
- Certificate of good standing from an official register, a competent public authority, or a notary public; or
- Other equivalent certified document indicating that the entity is duly formed and in good standing;

The documentary evidence submitted by an Applicant must clearly show that same entity as the Registrant Contact and must correspond with the Domain Name Applied For. If the Registrant Contact has obtained the rights of the Registered Entity, such as through an acquisition or otherwise is not the same as the documentary evidence, the same documents as described in Section 3.2 is required.

Any documentary evidence submitted to the Registry is considered final, with the exceptions given for amendment and reconsiderations in Section 4.4 below. The documentary evidence submitted by an applicant will be posted for public inspection.

The Registry may request a submission of other relevant documents, such as a certified letter of good standing, by other formats, such as a certified true copy of the original, as it deems necessary. Such requests for documents must be responded to within the time period specified, which shall be no less than 10 calendar days. If additional documentary evidence is requested and an Applicant fails to deliver the documentary evidence within the time period stipulated in the request, the Application shall lapse.

Applicants may also be requested to supply a certified translation (in English) of any documents that are not in the English language.

4.4 Amendment and Reconsideration Process for SR3 Applications

The same amendment and reconsideration process as described in Section 3.6 above will be used for SR3.

5 Multiple Applications for a Domain

Given the context of the .ASIA Registry, there is likelihood that the same words or phrases could be validly held or registered by different owners, in different trademark offices, different trademark classes or different company registries. As such, there will be potential situations where two or more applicants may be successfully verified for the same Domain Name Applied For. The .ASIA Registry has devised the following policies with the aim to ensure an orderly and equitable resolution to competing claims.

5.1 SR1: First-Come-First-Serve

The overlap between the Reserved Names List between different governments in the DotAsia Community is small, and the .ASIA Registry envisages relatively few conflicting domain name Applications, if any, under this phase. As such, a first-come-first-served approach will be used as the allocation model for SR1 without causing volatile rushes to domains.

Title:	.ASIA Sunrise Policies				
Status:	Complete	Version:	2.0	Page:	20 of 28

Allocation of domains during SR1 shall be given to the first-in-line Applicant provided that all documentary evidence requested, if any, were submitted on time and if the Application successfully passes the acknowledgement process. All the other Applicants for the same domain but were lower in Application order will be declined and notified. If an Application is declined, the next-in-line Application for that domain shall be assessed and processed accordingly. In such a case, subsequent Applicants are subject to the same acknowledgement process.

5.2 SR2 and SR3: Auction Process

The anticipated level of interest for SR2 and SR3 Applications is high. To avoid chaotic rush for domain names and to preserve an orderly process, an auction process is adopted in order to allow competing qualified parties to bid for a domain name.

Applications received during the respective SR2 sub-phases and SR3 phase will be treated as received at the same time. Applicants will go through the verification process (or the checking process under SR3) as set out in the preceding sections. Those applicants that are successfully verified will be invited to an auction for that domain name. Bidding is open to those successfully verified applicants only.

Once the verification process is completed, all eligible Applicants will be notified. This notice will be sent reasonably ahead of time for Applicants to prepare for the auction and for a quiet period to ensue prior to the auction being held. WHOIS information and information relating to the prior right that give rise to an applicant's eligibility to that domain will be provided to all the eligible bidders for that domain for their reference. At the Registry's discretion, particular information about an applicant may be withheld. For example, certain elements of the Charter Eligibility Declaration information may not be disclosed to other bidders to the same domain.

5.2.1 Eligibility of Bidders

An Applicant is considered an eligible bidder for a domain only if its Application (or request for reconsideration), documentary evidence, and all fees payable were submitted on-time, and if it passes the verification process. The .ASIA Registry and/or Verification Agent only measure an Applicant's eligibility against the policy set out herein. Any decision of an applicant's eligibility is not an indication of an applicant's legal entitlement to a registered name, registered mark, or other intellectual property rights. So long as an Applicant is deemed eligible under this policy, it has a *prima facie* right to take part in the auction for the domain name it applied for.

If an invited bidder disputes the entitlement of any competing bidder, it must notify the Registry and initiate a dispute prior to the commencement of the auction for that domain name. The Registry and the auctioning process is not a forum for a bidder to challenge the entitlement of other bidders. It would be the responsibility of any challenging bidder to establish its rights against other bidders in a competent tribunal.

In the event of any disputes or challenges amongst eligible bidders, the Registry shall at its sole discretion, or at the direction of the competent tribunal, suspend the auction of a domain name until such disputes or challenges are resolved or otherwise mitigated based on the Registry's knowledge or understanding.

Title:	.ASIA Sunrise Policies				
Status:	Complete	Version:	2.0	Page:	21 of 28

5.2.2 General Form of Auction

Auctions will be held exclusively amongst eligible bidders. As such, this is described as a “closed auction” as opposed to an “open auction” where additional bidders (i.e. other domain name applicants) may join in at anytime during the auction period. A conventional “English-style” auction format where eligible bidders will bid against one another, with each bid being higher than the previous bid will be used. Each Applicant (i.e. bidder) will be able to observe the price of each bid placed by itself or its competitors. That is, the current bid price and whether or not the Applicant is the leading bidder. The auction ends when no participant is willing to bid further within a reasonable period of time as determined by the Registry or its auction agent, and the winner being the highest bidder.

Further details on the process of the auctions will be provided in due course.

5.2.3 Allocation of Domain Names

The domain name will be allocated to the winner of that particular auction.

An eligible bidder may withdraw from an auction provided that it notifies the Registry in good time and in any event prior to the commencement of the auction it is due to take part in. After any such withdrawal, if there is only one bidder remaining, the auction will be cancelled and the domain allocated to the remaining bidder.

If no bids were received during the time allotted for an auction, the eligible bidders for the domain name will be considered to have forfeited their interest for the domain name. The domain name may be re-auctioned at the Registry’s discretion or released and become available for registration in subsequent phases of the Startup process.

5.3 Landrush

The same auction process as described in 5.2 above will be followed for Landrush Applications, except that no verifications will be conducted and information about other Applicants for the same domain name will not be distributed prior to the commencement of the auction.

6 Submission Processes and Registrar Requirements

All domain registration Applications for the .ASIA Registry shall be submitted via EPP compliant interfaces. Electronic copies of documentary evidence will be accepted via web-based or other automated interfaces as directed by the Registry.

In the event that the Registry or Verification Agent requests original copies of any documentary evidence, the applicant is expected to choose a posting method that can track delivery as well as bearing the cost of postage. The Registry and the Verification Agent will not accept any packages mailed on a cash-on-delivery basis. The Registry and the Verification Agent are not responsible for any documents lost, damaged, or destroyed in the post. If an applicant requires the return of original documents submitted to the Registry or Verification Agent, it shall bear the cost of the same and must provide its courier account information to the Registry or Verification Agent to facilitate the return.

Title:	.ASIA Sunrise Policies				
Status:	Complete	Version:	2.0	Page:	22 of 28

Supplementary information may be requested via email or other communication media as appropriate. Under normal circumstances, the Sponsoring Registrar is responsible for all Applications submitted as specified in the Registry-Registrar Agreement. Assistive notifications may be sent to the applicant directly from the Registry or Verification Agent only if specifically indicated and requested by the registrar.

6.1 Submission of Applications

All domain registration Applications must be submitted via a .ASIA Accredited Registrar. The Registrar may utilize an EPP interface or the web admin interface (which itself is an EPP client provided by the registry) for submitting Applications. Charter Eligibility Declaration (CED) as well as Intellectual Property Right Declaration (IPR)⁵ for each individual domain being applied for must also be submitted along with the Application via EPP, utilizing extensions published by the .ASIA Registry. Nomination for an Operations and Notifications Contact (OPN Contact) may also be submitted along with the Application via EPP.

Technical specifications of the EPP extensions will be provided to .ASIA Registrars and published separately.

6.1.1 Submission of Bibliographical Data for Registered Marks and Entities

Bibliographical data that can allow the Registry or Verification Agent to verify an applicant's Application to a domain must be provided for all Sunrise Applications. Applicants are reminded that all bibliographical data as set out in sections 3.2 and 4.1 above must be provided as completely and as accurately as possible. All such data will be associated directly with the EPP Domain object.

The following bibliographical data fields are required for all SR2 Applications:

1. Registered Mark <ipr:name>
2. Registration Number <ipr:number>
3. Registration Locality <ipr:ccLocality>
4. Application Date <ipr:appDate>
5. Registration Date <ipr:regDate>
6. Nature of Entitlement <ipr:entitlement>
7. Sunrise phase <ipr:type>

Registered Class <ipr:class> is required for all SR2c Applications and OPTIONAL for SR2a or SR2b Applications. Applicants who have obtained a "Pre-Verified" code should include the code within an additional field <ipr:preVerified>.

The following bibliographical data fields are required for all SR3 Applications:

1. Registered Entity Name <ipr:name>
2. Registration Number <ipr:number>
3. Registration Locality <ipr:locality>
4. Application Date <ipr:appDate>
5. Registration Date <ipr-regDate>

⁵ Note that such "IPR" declarations as specified for SR3 are such described for administrative purposes only and are not intended to imply any conference of Intellectual Property Rights not already established.

Title:	.ASIA Sunrise Policies				
Status:	Complete	Version:	2.0	Page:	23 of 28

6. Form of Entity <ipr:form>
7. Sunrise phase <ipr:type>

Applicants may also optionally provide the URL containing the required documentary evidence for SR3 Applications via EPP by incorporating it into the <ipr:name> field (e.g. <ipr:name>Company Ltd. [<http://company.asia/cert.pdf>]</ipr:name>). If such URL is submitted, no additional uploading of the documentary evidence is required.

Updates to the bibliographical data will not be permitted except via the amendment and reconsideration processes as described in sections 3.7 and 4.4. Submitted bibliographical data for allocated domains will be publicly searchable via WHOIS.

6.1.2 Charter Eligibility Declaration Contact

Charter Eligibility Declaration (CED) is associated with an EPP Contact object. The CED Contact must then be designated and associated with the EPP Domain object upon the submission of the Application (i.e. domain create) utilizing an EPP extension defined by the .ASIA Registry.

Updates to the CED will be provisioned via EPP extensions to the Contact object, whereas the reassignment of a CED Contact to a domain is provisioned via EPP extensions to the Domain object <asia:contact type="ced">. Updates to the CED Contact will not be permitted during Sunrise.

Further details regarding the CED Contact are included in the .ASIA Charter Eligibility Requirement Policies document. To be eligible for a .ASIA domain, at least one of the Domain Contacts associated with the Domain Name must be a legal entity in the DotAsia Community.

6.1.3 Operations and Notifications (OPN) Contact

An Operations and Notifications Contact (OPN Contact) may optionally be submitted to designate the point of contact to whom documentary evidence requests, auction invitations, and reminders are to be sent. If no OPN Contact is nominated, the Sponsoring Registrar will be designated as the point of contact.

Notifications and communications regarding documentary evidence for an Application will be sent to both the OPN Contact and the Sponsoring Registrar.

The OPN Contact is an additional contact for a domain and created as a general Contact Object. The OPN Contact can then be associated with a domain utilizing EPP extensions defined by the .ASIA Registry. The OPN Contact must be submitted upon the submission of the Application (i.e. domain create). Updates and reassignment of an OPN Contact <asia:contact type="opn"> to a domain is provisioned via EPP extensions for the Domain Object. Updates to the OPN Contact will not be permitted via EPP during Sunrise.

The Registry does not guarantee that any changes to an OPN Contact will be effected in the notification system immediately. The sponsoring registrar is responsible to inform those applicants who updated their OPN Contact that they must continue to accept and expect notifications being sent to their previous OPN Contact for a reasonable period of time after the submission of the changes.

Title:	.ASIA Sunrise Policies				
Status:	Complete	Version:	2.0	Page:	24 of 28

6.1.4 Reviewing Submitted Information by Applicants

WHOIS service will not be available during Sunrise Application periods. Applicants may review submitted information for a particular Application via a web-based, WHOIS-like, interface provided by the Registry. To utilise this service, the interface will require the Domain Name Applied For and the Domain ID in order to correctly access that specific Application. In addition to those information returned through a WHOIS inquiry, applicants will also be able to review information relating to the IPR, CED and OPN.

.ASIA Registrars must not provide WHOIS service for .ASIA Applications during Sunrise.

6.2 Submission of Documentary Evidences

If required or requested, documentary evidences in Acceptable Electronic Format must be uploaded via a web-based or an automated interface. Login information will be provided to the Sponsoring Registrar as well as the OPN contact (if applicable).

Corresponding Sponsoring Registrar and OPN contacts will be able to review submitted documents via a web-based interface with the login provided.

Regular reports regarding Sunrise Applications will be created and posted for .ASIA Registrars. Notifications to OPN contacts will be sent via email.

6.3 Registrar Responsibilities

General provisions for the conduct and responsibilities of Sponsoring Registrars are included in the .ASIA Registry-Registrar Agreement (RRA) and the .ASIA Registry Policy. Both the Registrar and the Applicant (as described for the Registered Name Holder) will be bound by those relevant provisions in the RRA until such time an applicant's Application for a domain name is declined and no disputes are outstanding. For example, the warranties given by the Applicant that the submitted data is true and reflect the true understanding of the Applicant, that it agrees to submit to dispute resolution processes, etc.; and for Registrars, the communication with the Applicant, customer support and indemnity requirements

6.3.1 Pre-Registration and Application Submission to the .ASIA Registry

.ASIA Registrars and their agents may offer pre-registrations of .ASIA domain names. Pre-registration and other announcements to prospective registrants regarding Sunrise Application must clearly indicate the nature of the pre-registration as well as provide information with regards to the policies set out in this document. Provisions in the Registry-Registrar Agreement (RRA) governing Registrars' and Registrants' obligations and liabilities such as Registrar's communication requirements with Registered Domain Holders, customer support and indemnity are applicable to a Registrar's pre-registration customers.

A registrant agreement conformant with the RRA should be presented to pre-registration applicants. An Applicant must agree to be bound by it before submitting an Application to the .ASIA Registry. In particular, an applicant must agree to comply with the Charter Eligibility Declaration Contact requirement and the submission to dispute resolutions and other rights of the Registry.

Title:	.ASIA Sunrise Policies				
Status:	Complete	Version:	2.0	Page:	25 of 28

6.3.2 Acting as the OPN Contact and Bidding On Behalf of Registrants

.ASIA Registrars may act as the OPN Contact for an applicant or allow the Registrant to nominate an OPN Contact. For the purposes of providing documentary evidence during the Sunrise process, Registrars may delegate this task to a special department or a third party contact.

The OPN Contact is an assistive mechanism for giving various notifications to applicants. The Sponsoring Registrar is ultimately responsible for communicating with and providing customer support to applicants as specified in the RRA. The Registry does not guarantee the successful delivery of the notifications to the OPN Contact.

.ASIA Registrars may also act or bid on behalf of applicants during the auction process set out in section 5.2 above. The Registry shall deem such actions undertaken by a Registrar to be binding, committed and duly authorized by the Registrant.

6.3.3 Provision of WHOIS Services during Sunrise and Landrush

.ASIA Registrars must not provide regular WHOIS services (through web, port 43 and other means) relating to .ASIA Applications during the Sunrise and Landrush period except for the purposes and within the framework set out in section 6.1.4 above. In such cases, Registrars must control access to WHOIS information through a unique identification code, a password system or through other adequate security system, and access must be limited to an applicant's own Applications. This measure is required in order to prevent abusive registration Applications during the Sunrise and Landrush period based on WHOIS harvesting.

6.4 Verification Agent Responsibilities

A Verification Agent is generally tasked to give an opinion on whether the information contained in an Application meets the requirements laid down in these .ASIA Sunrise policies. This opinion will be made based on information obtained digitally from the Application, as well as other forms of documents and clarifications provided by the Applicant upon request of and in accordance with these .ASIA Sunrise policies and the procedures laid down by the Registry and/or the Verification Agent. The Registry takes the actual decision to accept or to reject an Application.

More specifically, a Verification Agent will:

1. Verify whether or not the data entered into the bibliographical data fields, as described in Section 6.1.1 above, correspond with (i) the data made available online and free of charge by the trademark office competent for registering trademarks in the country, economy or region mentioned in the field Registration Locality <ipr:ccLocality>, and/or (ii) the documentary evidence provided by or on behalf of the Applicant in accordance with these .ASIA Sunrise policies and the procedures laid down by the Registry and/or the Verification Agent.
2. Verify, with commercially reasonable efforts, whether the Applicant is actually the owner of the Registered Mark invoked in the Application; and
3. Verify whether or not the Domain Name Applied For corresponds with the requirements laid down in Section 3.2 (Eligible Text String for the Domain Name Applied for)

Title:	.ASIA Sunrise Policies				
Status:	Complete	Version:	2.0	Page:	26 of 28

The Verification Agent is not and cannot be obliged, but it is permitted in its sole discretion, to conduct its own investigations into the circumstances of the Application, the Registered Mark claimed and the Documentary Evidence produced (if any) in the context of a reconsideration.

It is the sole responsibility of the Applicant to provide accurate, complete and up-to-date information in the Application and, if required, in any documentary evidence requested by the Verification Agent. In case (i) the information contained in the Application and/or the documentary evidence provided by or on behalf of the Applicant does not meet these standards, (ii) the procedures laid down by the Registry and/or the Verification Agent have not been complied with and/or (iii) such information is not provided within the period set forth by the Verification Agent, the Application may be declined.

The verification process is intended to check an Application's conformance with the .ASIA Sunrise policies and whether the Domain Name Applied For is appropriate and acceptable. The result of the verification does not necessarily reflect the validity of the Registered Marks themselves. Any decision in the Sunrise process is not a reflection of the validity of any prior right claimed. No Applicants or interested parties are debarred from asserting or enforcing its rights to a domain against another Registered Domain Holder through the ICANN Uniform Dispute Resolution Policy or other competent tribunal.

7 Miscellaneous Provisions

7.1 Modifications, Guidelines and Enforceability

The .ASIA Registry may issue interpretive guidelines on its website regarding the terms of these Sunrise policies. The .ASIA Registry may modify these Sunrise policies from time to time, and modifications will take effect at the time they are announced on the Registry's website and without prior notice to registrars or registrants.

If any part of these Sunrise policies is declared invalid or unenforceable for any reason, the remainder of these Sunrise policies shall remain valid and enforceable as if the invalid or unenforceable part were not included herein.

There shall be substituted for any invalid or unenforceable provision a suitable provision that, as far as is legally possible, comes nearest to the sense and purpose of these Sunrise policies, taking into account all other applicable rules and policies.

7.2 Limitation of Liability and Decisions by Registry

To the extent allowed under mandatory law, the Registry shall only be liable where the Registry's gross negligence or wilful misconduct is proven. In no event shall the Registry be held liable for any indirect, consequential or incidental damages or loss of profits, whether contractual, based on tort (including negligence) or otherwise arising, resulting from or related to registration or use of a Domain Name or to the use of its software or web site, even if it has been advised of the possibility of such loss or damages, including but not limited to decisions taken by the Registry to register or not to register a Domain Name on the basis of the findings of the Verification Agent(s), as well as the consequences of those decisions.

To the extent allowed under mandatory law, the Registry's liability for damages shall in any case be limited to an amount equal to the application fee paid to the Registry (that is, the fees

Title:	.ASIA Sunrise Policies				
Status:	Complete	Version:	2.0	Page:	27 of 28

collected from the Sponsoring Registrar by the .ASIA Registry for the submission of the corresponding application, not including any other fees paid by the Registrant for the acquisition of the domain, such as fees paid to the Sponsoring Registrar or auction fees) in the context of submitting the Application. The Applicant agrees and accepts that no greater or other damages may be claimed from the Registry (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 to register or not to register a Domain Name). The Applicant further agrees to submit to a binding arbitration for disputes arising from the Start-Up process and related allocation of domain names.

The Applicant shall hold the Registry harmless from claims filed or disputes initiated by third parties, and shall indemnify and compensate the Registry for any costs or expenses incurred or damages for which it may be held liable as a result of third parties taking action against it 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.

For the purposes of this Article, the term "Registry" also refers to its members and subcontractors, including the Verification Agents, and each of their respective directors, agents and employees.

The obligations of Sponsoring Registrars are laid out in the Registry-Registrar Agreement. Such obligations include the conformance with these Sunrise Policies.

Title:	.ASIA Sunrise Policies				
Status:	Complete	Version:	2.0	Page:	28 of 28