



The DotAsia Sunrise: Information Brochure and Frequently Asked Questions

Disclaimer

This Information Brochure and Frequently Asked Questions provides a general overview of the .ASIA Sunrise process, and is not intended to provide a comprehensive overview of each and every aspect of the Sunrise process Verification Agent

Any and all domain name applications shall be dealt with in accordance with the .ASIA Sunrise Policies, made available on <http://www.dotasia.asia/policies/DotAsia-Sunrise-Policies--COMPLETE-2007-08-10.pdf>, which is the only authoritative document in this respect. Neither the registry nor its Verification Agents can be held responsible for any inaccuracy or incompleteness in this Information Brochure and Frequently Asked Questions, and any use made of this Information Brochure and Frequently Asked Questions is at the sole responsibility of the user.

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A. INFORMATION BROCHURE

1. Introduction

On July 25, 2007 DotAsia Organisation announced the appointment of Deloitte as the principal worldwide Verification Agent, managing the verification process for all applications for the .Asia Sunrise Process. DotAsia also announced the appointment of AGIP as a Verification Agent to assist in the verification process for applications from the Middle East and some countries in Northern Africa.

During the .Asia Sunrise Process, which will commence on October 9, 2007 and will last for more than three months, ending in January 15, 2007, holders of registered trademarks will have the opportunity to register the names for which they hold rights before the registration of domain names under the .ASIA top level domain is open to the general public.

2. The Phased Sunrise Process

The .ASIA Sunrise Period is divided into 3 phases.

During the Pre-Sunrise phase and Sunrise 1, government bodies in the DotAsia Community (which is geographically defined as the Asia/Australia/Pacific Region as determined by ICANN, see <http://www.icann.org/montreal/geo-regions-topic.htm>) will be invited to reserve and activate domain names that are related to or derived from official government initiatives.

Sunrise 2 (SR2) is, in turn, further 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. The trademark that is the basis of an application must have been applied for on or before March 16, 2004.
- SR2b: General registered trademarks Sunrise, for trademarks and service marks registered and in full force and effect. The trademark that is the basis of an application must have been applied for on or before December 6, 2006.
- SR2c: Extended Protection, for registered trademarks (qualified in SR2a or SR2b) combined with relevant word(s) from the applicable class title, subtitle or description under which the mark is registered.

Sunrise 3 is open to companies, organisations, etc. in the DotAsia Community that wish to reserve the name of their company, organisation, etc as a domain name under the .ASIA top level domain.

3. General Requirements for Sunrise 2

In order to submit a valid domain name application during Sunrise 2:

- The Applicants must meet the Charter Eligibility Requirement;
- The Applicant must be the owner, co-owner or assignee of a corresponding registered trademark that is registered and in full force and effect
- The registered trademark must be applied for on or before the corresponding cut-off dates for a particular sub-phase; and
- The registered trademark 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. (see <http://www.wipo.int/scit/en/standards/pdf/03-03-01.pdf>).

According to the .ASIA Sunrise Policies, all applicants under SR2 will be required to provide bibliographical data relating to the registered trademarks that are the basis of any application.

4. Sunrise 2a

4.1. Requirements

As stated above, Sunrise 2a is exclusively reserved for those domain name applications that are based on registered trademarks whose applications were filed on or before March 16, 2004.

In view of the importance of this “cut-off” date, the domain name applicant may be required to prove that the official application for trademark protection was filed with the competent trademark office prior to March 16, 2004. In addition, the applicant may be further required to prove demonstrable usage of the registered trademark. In such case, the verification agent will invite the applicant to submit such evidence and will indicate which information is exactly required from the applicant.

4.2. Bibliographical Data Required

The domain name application must contain accurate, complete and up-to-date information in, amongst others, the following fields:

- Registered Mark <ipr:name>
- Registration Number <ipr:number>
- Registration Locality <ipr:ccLocality>
- Application Date <ipr:appDate>
- Registration Date <ipr:regDate>
- Registered Class <ipr:class>

- Nature of Entitlement <ipr:entitlement>
- Sunrise Phase <ipr:type>

Further details on the required information are set out in the field descriptions below. It must be noted, however, that not all trademark offices use the same terminology as the wording used by DotAsia.

Furthermore, it is important that the name of the domain name applicant is identical to the name of the owner as listed with the trademark office; in case there is no identical match, the domain name applicant is required to explain any difference (see further below).

4.3. Registered Mark <ipr:name>

This field must contain the exact word or phrase which has been registered because the registered trademark forms the basis of the domain name application. Examples are provided below.

4.3.1. Word marks / Standard Character Marks

For word marks / standard character marks, the information to be provided in the **Registered Mark <ipr:name>** field is generally the same as the actual word(s) registered with the relevant trademark office. In case the relevant trademark office operates an online database that is available free of charge, this information should allow a member of the verification team to retrieve without delay the trademark invoked by the domain name applicant. In any case, the verification agent is entitled to request relevant trademark information, even in case there is an on line database available.

In the example below, which is an extract of the online database of the US Patent and Trademark Office, this information can be found next to the field "Word Mark".



Example: extract of the USPTO database containing the information for the registered word mark “DELOITTE”.

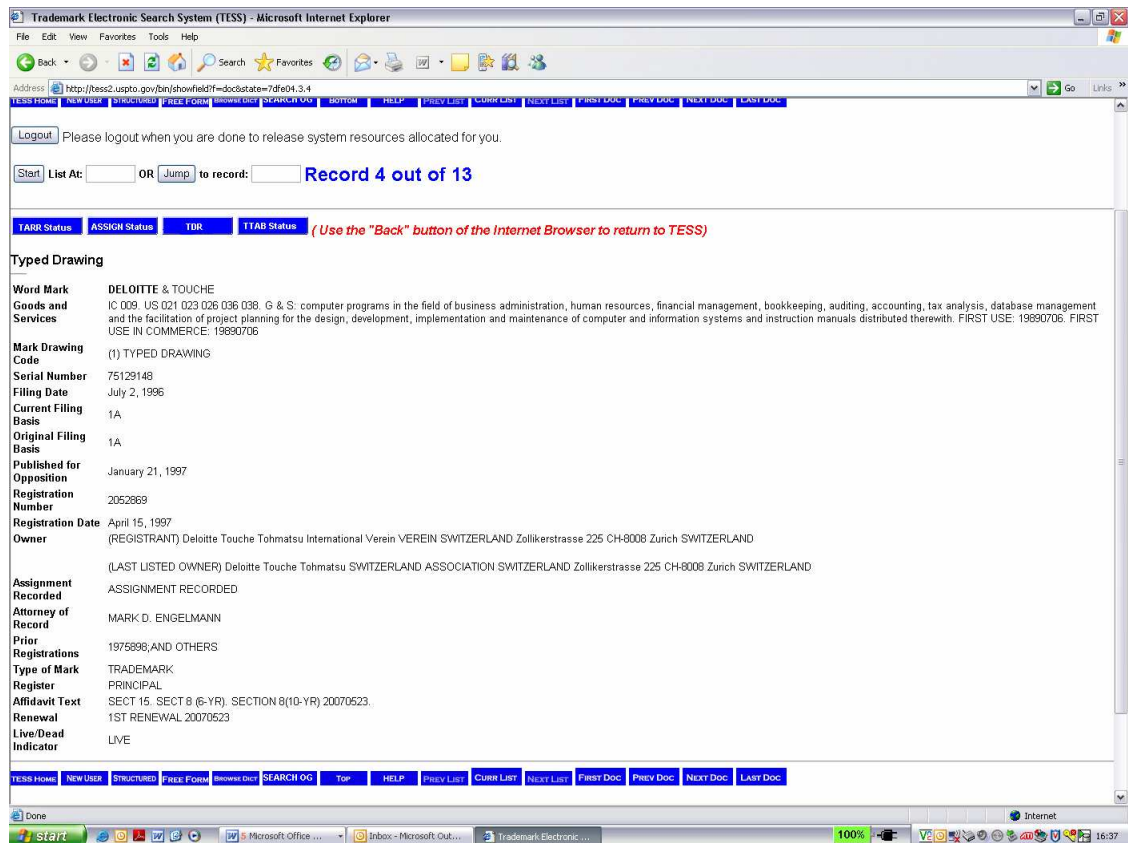
4.3.2. Figurative Marks

DotAsia Organisation has adopted a similar approach towards figurative marks as other registries have in previous sunrises.

This means that sunrise applications that are based upon figurative marks will also be accepted, as long as the sign exclusively contains a name, OR the word element is predominant, and can be clearly separated or distinguished from the device element, AND provided that all alphanumeric characters (including hyphens, if any) included in the mark are contained in the domain name applied for, in the same order as that in which they appear, and the general impression of the word is apparent, without any reasonable possibility of misreading the characters contained in the mark or the order in which those characters appear.

4.4. Registration Number <ipr:number>

This field should contain the registration number of the registered mark's current registration. In the example below, the registration number is 2052869.



The information provided in this field must enable a member of the verification team to retrieve without delay the trademark invoked by the domain name applicant with the relevant trademark office, in as far as such search functionality is provided by the trademark office.

4.5. Registration Locality <ipr:ccLocality>

Location (country/economy/territory) where the right is established using the corresponding WIPO Standard ST.3 two-letter code <http://www.wipo.int/scit/en/standards/pdf/03-03-01.pdf>, and NOT the ISO-3166 list.

If a domain name applicant is applying on the basis of a Community Trademark (CTM), it is required to select "EM" (and NOT "EP", "QZ" or any country code of a member state of the European Union). Furthermore, in cases where the domain name applicant relies on a trademark that is registered in the Benelux, it must select "BX".

4.6. Application Date <ipr:appDate>

This field should contain the date on which the application for the registered trademark was filed. In the example below, the information to be provided by the domain name applicant should be 12/02/2004 (format = DD/MM/YYYY).



The screenshot shows the Trademark Electronic Search System (TESS) interface in Microsoft Internet Explorer. The browser title is "Trademark Electronic Search System (TESS) - Microsoft Internet Explorer". The address bar shows the URL: <http://tess2.uspto.gov/bin/showfield?f=doc&state=1633tm.2.2>. The page header includes the United States Patent and Trademark Office logo and navigation links: Home, Site Index, Search, FAQ, Glossary, Guides, Contacts, eBusiness, eBiz alerts, News, Help. The main heading is "Trademarks > Trademark Electronic Search System (TESS)". Below this, there is a navigation bar with buttons for TESS HOME, NEW USER, STRUCTURED, FREE FORM, SEARCH OG, BOTTOM, HELP, PREV LIST, CURR LIST, NEXT LIST, FIRST DOC, PREV DOC, NEXT DOC, and LAST DOC. A "Logout" button is also present. The search results show "Record 2 out of 13". The trademark name "DELOITTE" is displayed in large, bold, black letters. Below the name, the "Word Mark" is listed as "DELOITTE". The "Goods and Services" section includes three entries: IC 009, US 021 023 026 036 038, G & S: Computer software in the field of business administration, human resources, financial management, bookkeeping, auditing, accounting, tax analysis, database management and the facilitation of project planning for the design, development, implementation and maintenance of computer and information systems; IC 035, US 100 101 102, G & S: Business management, business administration, bookkeeping services, accounting services, account and business auditing services, tax preparation, tax compliance and consultation services, business and government management consulting services; services rendered on assistance and advice on organization and management of businesses or trading functions of commercial or industrial companies; economic research in the attainment of benefits, business interruption and loss determination; IC 036, US 100 101 102, G & S: Insurance consultation and advisory services; financial planning consulting and management services; actuarial services; financial research services, including in the fields of benefits, business interruption and loss determination; real estate investment services; financing services. The "Standard Characters Claimed" section shows "(4) STANDARD CHARACTER MARK". The "Serial Number" is 79002856 and the "Filing Date" is February 12, 2004. The browser's taskbar shows several open applications, including "Briefing note.doc - Mi...", "DotAsia-Sunrise-Polici...", and "Trademark Electroni...". The system tray shows the date and time as 12:46.

4.7. Registration Date <ipr:regDate>

This will be the date on which the competent trademark office registered the registered trademark. This is not the application date but the day on which the mark was registered and entered into full force and effect.

4.8. Registered Class <ipr:class>

This is the registered Class Number for the registered trademark according to the Nice Classification System (see <http://www.wipo.int/classifications/nivilo/nice/index.htm#>). If more than one class has been registered, any of them can be used. This is an

OPTIONAL field for SR2a and SR2b, but is MANDATORY for SR2c. For SR2c, the appropriate corresponding class must be declared.

4.9. Nature of Entitlement <ipr:entitlement>

We need to know whether the Applicant (corresponding to the Registrant Contact) holds the trademark as an original “OWNER”, a “CO-OWNER” or an “ASSIGNEE”. Please utilize “ASSIGNEE” also to indicate a case where the ownership of the registered trademark is not yet reflected by the trademark office, such as in the case where the mark has been recently transferred (see also Section 3.2 below for further details).

4.9.1. OWNER

In case the name of the domain name applicant is identical to the name of the holder of the trademark, as reflected with the trademark office, the field <ipr:entitlement> should contain the value “OWNER”. If there is no identical match, the domain name applicant should attribute any of the other values as indicated in 4.9.2 – 4.9.4 below.

4.9.2. CO-OWNER

We are aware that there can be conflicts between co-owners of a registered trademark in the context of participation in a new TLD Sunrise process.

Therefore where an application involves a co-owner of a trademark, the domain name applicant will be required to submit additional documentary evidence. This documentary evidence will consist of a duly completed and executed Form for which a template is provided by DotAsia Organisation on its website (<http://www.registry.asia/>).

4.9.3. ASSIGNEE

The domain name applicant must indicate “ASSIGNEE” in this field in any of the following circumstances:

- where the domain name applicant is not the holder of the registered trademark invoked in the domain name application, but is a licensee of such a trademark, the domain name applicant must submit as documentary evidence a duly completed and executed license declaration using the Form which is made available by the Registry on its website (<http://www.registry.asia/sunrise/DotAsia-Sunrise-License-Declaration-of-TM-Template--2007-09-24.doc>);
- where the domain name applicant is the assignee of the registered trademark invoked in the domain name application, and such assignment has not been recorded with the competent trademark office, the domain name applicant must submit as documentary evidence a duly completed assignment declaration executed by the assignor of the registered trademark invoked, using the Form which will be made available by the Registry on its website

<http://www.registry.asia/sunrise/DotAsia-Sunrise-Transfer-Declaration-of-TM-Template--2007-09-24.doc>);

- where the official name of the trademark owner has been changed, and such change has not been recorded with the competent trademark office, the domain name applicant must submit as documentary evidence a duly completed declaration of change of name executed by (a representative of) the domain name applicant, using the Form which is made available by the Registry on its website (<http://www.registry.asia/sunrise/DotAsia-Sunrise-Declaration-of-Name-Change-Template--2007-09-24.doc>);
- where the domain name applicant is the co-owner of the registered trademark invoked in the domain name application, the domain name applicant must submit as documentary evidence a duly completed and executed written authorisation from the other co-owner(s) using the Form which will be made available by the Registry on its website.

No other documents will be allowed.

4.10. Sunrise Phase <ipr:type>

This information should contain the following values: "SR2a", "SR2b", "SR2c" or "SR3", referring to Sunrise 2a, Sunrise 2b, Sunrise 2c or Sunrise 3 respectively.

5. Sunrise 2b

Sunrise 2b will have the same requirements as Sunrise 2a, apart from the filing date for the registered trademark must pre-date December 6, 2006. Also, Sunrise 2b does not require demonstrable usage of the registered mark.

6. Sunrise 2c

The requirements for Sunrise 2c are similar to those under Sunrise 2b apart from the fact that trademark owners will be allowed to register variations of the marks to which they hold trademark rights.

In this .ASIA Sunrise phase, trademark holders can apply for domain names consisting of combinations of a registered trademark and words from the official Nice class description in which the trademark is registered. Hyphenations and plurals of these words are also permitted. The official Nice classification and descriptions can be found at: <http://www.wipo.int/classifications/nivilo/nice/index.htm#>.

For example, the trademark DELOITTE is registered in class 35 with the Office for Harmonisation in the Internal Market (which is the European Community Trademark office). The official description class 35 is "Advertising; business management; business administration; office functions". Thus for example, the holder of the DELOITTE

trademark could apply under Sunrise 2c for the domain names <deloittebusinessadministration.asia> and <deloitte-business-administration.asia>.

Further guidelines will be published in the near future.

7. Sunrise 3

Sunrise 3 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. Personal names of physical persons are not eligible. Sunrise 3 applications will not be verified, but the Registry and Verification Agent will check the domain applied for against the applicant entity's name and the 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.

8. Required Documentary Evidence

Documentary evidence may be requested from applicants under any of the SR2 sub-phases. For domain name applications made during the SR3 phase, submission of documentary evidence is in any case mandatory.

If the Registry or the Verification Agent deems it necessary to ascertain the domain name applicants' eligibility for the domain name applied for, the applicant will be required to submit (through its Registrar) documentary evidence. Such evidence will include an electronic copy of official documents issued by the corresponding trademark office or trademark registry, or extracts 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 relevant cut-off dates.

The Applicant should provide accurate and up-to-date information for the consideration of the Verification Agent. Documentary evidence must clearly indicate that:

- a) the domain name applicant is the holder of a right to the registered trademark (or company name, in SR3); and
- b) the trademark invoked by the domain name applicant meets the conditions set forth in the .ASIA Sunrise Policy (*e.g.* the trademark is registered, the application for the registered trademark has been submitted before the respective cut-off date, etc.).

This information must be provided in English or be accompanied by a certified translation.

9. The Amendment and Reconsideration process

In order to overcome any errors made in compiling a Sunrise application, some assistance will be given by the Verification Agents to applicants through an Amendment Process and Reconsideration Process.

9.1. Amendments

The Verification Agents are entitled to correct occasional typographical and clerical errors in the domain name application data without the intervention of the sponsoring registrar being required:

- Application Date <ipr:appDate>;
- Registration Date <ipr:regDate>; or
- Sunrise Phase <ipr-type>: in those cases where the domain name application has been made during SR2a, but it appears from the domain name application data (and more specifically the fields Application Date <ipr:appDate> and/or Registration Date <ipr:regDate>) that the domain name application does not qualify for SR2a, but instead for SR2b or SR2c.

Should the applicant not agree with a particular correction made by the Verification Agent, the applicant must contact the Verification Agent directly to discuss the matter.

There is no additional fee for an Amendment.

9.2. Reconsideration

If the Verification Agent is faced with erroneous information, it is entitled to reject the domain name application. Nevertheless, it is possible for the rejected domain name applicant to initiate a Reconsideration Process. Under this Reconsideration Process, the applicant is entitled to submit additional clarifications or evidence in order to substantiate its claim.

When the Reconsideration Process is initiated, DotAsia is entitled to charge a reconsideration fee. Should the registrar not respond to the initiated reconsideration and submit documents rectifying the inconsistencies in the domain name application data and/or the initial documentary evidence submitted within a timeframe of seven (7) calendar days, the domain name application will be conclusively rejected by the registry.

By way of example, errors that could trigger a Reconsideration include (but are not limited to):

- the name of the domain name applicant is not identical to the name of the trademark owner and the applicant has not indicated an explanation for the discrepancy in the domain name application;

- the information contained in the domain name application data does not enable the Verification Agent to retrieve the trademark claimed by the domain name applicant in the relevant trademark database. This is, for instance, the case where the domain name application data refers to country X as being the country wherein the trademark is registered, whereas the trademark is actually registered in country Y; or
- the information contained in the fields Application Date <ipr:appDate> and/or Registration Date <ipr:regDate> is incorrect, and the field Sunrise Phase <ipr-type> indicates the wrong phase;

The Verification Agent is also entitled to commence the Reconsideration Process where it appears that there is a pattern of mistakes made by a registrar. In such circumstances, each and every domain name application submitted by that registrar could be reconsidered.

As stated in the Sunrise Policy, it is the sole responsibility of the domain name applicant to make sure that the domain name application is correct, error-free and up-to-date but the Amendment and Reconsideration Processes are designed to help registrars and applicants make successful applications.

10. Pre-Application Audit

Deloitte and Laga are offering a value-added service for ICANN Accredited Registrars participating in the .Asia Sunrise Process.

Experience of other Sunrise verification processes has led us to the conclusion that many of the difficulties experienced by owners of registered trademarks and their registrars could be overcome if authoritative advice and direct assistance were available pre-application e.g. before applications were submitted. Therefore DotAsia has authorised Deloitte and Laga to assist trademark owners and their registrars in compiling the right information essential to a successful application.

Pre-Application Audit offers:

- the identification of valid domain name applications on the basis of an examination of trademark information;
- the completion of relevant fields and an examination of an application to correct errors prior to its submission;
- advice on eligibility for various sunrise phases (especially SR2c).

Members of the Deloitte/Laga team will provide feedback on a case by case basis to ensure that an application is eligible and correctly formatted. Once a complete and corrected application has been compiled via the Pre-Application Audit system, the domain name application will be automatically approved by DotAsia.

Pre-Application Audit does not mean that the applicant will get the .ASIA name applied for because there may be a competing application for the same domain name from a

third party. In such a case, the DotAsia auction process will apply. However, Pre-Application Audit does ensure that the application will pass the verification stage.

Pre-Application Audit services will be provided from the beginning of September 2007 until shortly before the end of the .ASIA Sunrise on January 15, 2008. The exact date as from which it will no longer be possible to apply for a pre-application audit will be posted Deloitte's web site (<http://validation.deloitte.be>).

B. FREQUENTLY ASKED QUESTIONS

1. *The .ASIA Sunrise*

1.1. What is the Sunrise process?

Prior to the commencement of the general registration of .ASIA domain names, there is a Sunrise process, during which governments, trademark holders and registered companies will be allowed to apply for domain names reflecting the rights held by them. This process is intended to limit abusive registration (or “cybersquatting”) of domain names.

The .ASIA Sunrise consists of 3 phases (Sunrise 1, 2 and 3) and preceded by a Pre-Sunrise phase.

During the Pre-Sunrise phase and Sunrise 1, government bodies of the DotAsia Community (which is geographically defined as the Asia/Australia/Pacific Region as determined by ICANN, see <http://www.icann.org/montreal/geo-regions-topic.htm>) will be invited to reserve and activate domain names that are related to or derived from official government initiatives.

Sunrise Phase 2 is designed for holders and licensees of registered trademarks and/or service marks. Sunrise 2 is further divided into 3 sub-phases: Sunrise 2a (or “Early Bird Sunrise”), Sunrise 2b (or “General Registered Marks Sunrise”) and Sunrise 2c (for Extended Protection).

Finally, Sunrise 3 allows registered juristic entities based in the DotAsia Community to apply for domain names corresponding to their registered name.

1.2. What is the time schedule for the .ASIA Sunrise process?

- Sunrise 1: October 9, 2007
- Sunrise 2a: from October 9, 2007 to October 30, 2007
- Sunrise 2b: from November 13, 2007 to January 15, 2008
- Sunrise 2c: from November 13, 2007 to January 15, 2008
- Sunrise 3: from November 13, 2007 to January 15, 2008

Prior to and during the Sunrise 2 process, trademark holders will be offered the opportunity to request Pre-Application Audit of their Sunrise application by the Verification Agent to ensure a smooth processing of their subsequent Sunrise application.

1.3. What is the Pre-Application Audit process?

Experience of other Sunrise verification processes has led Deloitte to the conclusion that many of the difficulties experienced by owners of registered trademarks and their

registrars could be avoided if authoritative advice and direct assistance was available pre-application e.g. before applications were submitted. Therefore DotAsia has authorised Deloitte and Laga, the aligned law firm of Deloitte, to assist trademark owners and their registrars in compiling the correct information essential to a successful application.

Pre-Application Audit offers:

- the identification of valid domain name applications on the basis of an examination of trademark information;
- the completion of relevant fields and an examination of an application in order to correct errors prior to its submission;
- advice on eligibility for the different sunrise phases (especially SR2c).

Members of the Deloitte/Laga team will provide feedback on a case by case basis to ensure that an application is eligible and correctly formatted. Once a complete and corrected application has been compiled via the Pre-Application Audit system, the domain name application will be automatically approved by DotAsia.

Pre-Application Audit does not mean that the applicant will get the .ASIA name applied for because there may be a competing application for the same domain name from a third party. In such a case, the DotAsia auction process will apply. However, Pre-Application Audit does ensure that the application will pass the verification stage.

1.4. Who can apply for a Domain Name during the .ASIA Sunrise period?

Owners of registered trademarks and licensees of such trademarks can apply for a .ASIA domain during Sunrise 2 provided that the trademark is 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.

Companies and organisations that are registered in the DotAsia Community can apply for a .ASIA domain during Sunrise 3.

All Domain Name Applicants are required to meet the Charter Eligibility requirements. (See the Charter Eligibility Requirement Policy at <http://www.dotasia.org/policies/DotAsia-Charter-Eligibility--COMPLETE-2007-08-15.pdf>) This implies that every Sunrise application must include at least one Domain Contact, referred to as the CED (Charter Eligibility Declaration) Contact, that is a legal entity in the DotAsia Community.

1.5. In the event that my Sunrise domain name application is verified, does this imply I am automatically entitled to the domain name applied for?

No. DotAsia does not allocate domain names on a first-come, first-served basis (except in the case of Sunrise 1 which is for governments). In all other phases of the Sunrise process, valid applications for a specific domain name within a particular phase or sub-phase will be considered to be received at the same time. At the end of every phase (or sub-phase), if there is only one successfully verified application, the domain name will be allocated to the applicant accordingly. If there are two or more successfully verified applications, all successful applicants will be invited to bid for the particular domain name through an auction.

Example: 3 applications were verified for abcd.asia during Sunrise 2a, and 4 successful applications for the same domain were received during Sunrise 2c.

At the end of Sunrise 2a, the verified 2a applicants will be invited to bid for abcd.asia at an auction. The ABCD domain will be allocated to the highest bidder and consequently become unavailable to applicants from later phases (i.e. those in Sunrise 2c). In the event that all three 2a applicants failed the verification process, the applications for Sunrise 2c will be considered. If two or more of these applications are successfully verified, an auction for those successfully verified SR2c Domain Name Applicants will be held.

Further information on the auction process will be posted by DotAsia shortly. Pool.com has been engaged by DotAsia to run all .ASIA auctions using an online process.

1.6. Who verifies the Sunrise domain name applications?

The designated Verification Agents for the .ASIA Sunrise are Deloitte and Abu-Ghazaleh Intellectual Property (AGIP). While AGIP will be responsible for the verification of domain name applications based on trademarks registered in the Middle East Region, Deloitte will be the primary verification agent overlooking the entire process and responsible for those verifications from the rest of the world.

1.7. What type of Domain Names can be claimed during the Sunrise process?

During Sunrise 2, registered trademark or service mark holders will be able to apply for domain names corresponding to their registered trademark. The requirements differ depending on which sub-phase of Sunrise 2 the domain is applied under.

At every stage of Sunrise 2, entitlement to the registered trademark will be verified by the Verification Agent. The Verification Agent may request additional evidence to substantiate the claims in a Sunrise domain name application also.

Aside from registered trademarks or service marks during Sunrise 2 and registered company/organisation names during Sunrise 3, *no other Sunrise applications will be accepted by the Verification Agent*. For example, Personal Names are not allowed.

1.8. Can I track my Sunrise domain name application?

No. No information regarding the status of specific Sunrise applications will be provided to Domain Name Applicants by the Verification Agent. However, accredited registrars will receive regular status reports. Where applicable, OPN contacts may also login to view the status of a Sunrise application.

1.9. How long will the verification process take?

DotAsia intends to process the Sunrise applications in an efficient and expedient fashion. The total time required or specific time required for a particular application is highly dependent on a number of factors, not all of which are known of at this stage, but that includes:

- the total number of applications received;
- whether or not documentary evidence is required and whether it meets the requirements;
- the number of applications requesting Pre-Application Audit

It is clear that, if the number of applications is high, the verification process may take several months.

1.10. Besides this FAQ document, are there any other resources available on the .ASIA Sunrise and DotAsia in general?

Yes, you can refer to the .ASIA Sunrise Policies located at <http://www.dotasia.org/policies/DotAsia-Sunrise-Policies--COMPLETE-2007-08-10.pdf>. You can also visit <http://www.dotasia.org> or <http://validation.deloitte.be/> for more information.

1.11. Will all domain name applications be verified or will you just take samples?

In principle, all domain name applications are verified.

2. Eligible registered trademarks

2.1. What entitlement to a trademark must I have in order to be eligible to make a Sunrise application for the corresponding domain name?

The following are all eligible to apply under Sunrise 2:

- owner
- co-owner
- assignee
- licensees and sub-licensees

If a Domain Name Applicant has obtained a licence for the registered trademark claimed in the Application, the Domain Name Applicant may be requested by the Registry and/or the Verification Agent to provide a license declaration (a template form is made available on the Registry's website: <http://www.registry.asia/sunrise/DotAsia-Sunrise-License-Declaration-of-TM-Template--2007-09-24.doc>). Such a declaration must be duly completed and signed by both the licensor of the claimed registered trademark and the Domain Name Applicant (as licensee).

If the Domain Name Applicant is a sub-licensee, he may be required to enclose a second declaration, duly completed and signed by the ultimate owner of the registered trademark concerned and the latter's licensee. In either case, the Verification Agent can request documentary evidence proving entitlement to the trademark.

2.2. Which registered marks are eligible for Sunrise 2 domain name applications?

In order for a Sunrise application to be considered valid, the Domain Name Applicant must be able to prove that the trademark or service mark has been registered by 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.

It is not required that the trademark is registered in a country or region in the DotAsia Community, and *no priority or privileges* are given to marks registered within the DotAsia Community.

A registered mark must meet the following requirements in order to be eligible for Sunrise 2a:

- the trademark must be applied for prior to March 16, 2004
- the trademark must be registered and in full force and effect
- the Domain Name Applicant must have "demonstrable usage" of the trademark in the Nice classification it has been registered in according to the last version of the Nice Classification published on the WIPO web site. (see <http://www.wipo.int/classifications/nivilo/nice/index.htm#>)

The requirements for Sunrise 2b and Sunrise 2c are:

- the trademark must be applied for prior to December 6, 2006 (although Sunrise 2c is also available for applications that qualify under Sunrise 2a)
- the trademark must be registered

Sunrise applications based upon figurative marks will also be accepted, as long as:

- the mark exclusively contains a name,

OR

- the word element is predominant, and can be clearly separated or distinguished from the device element,

provided that:

- all alphanumeric characters (including hyphens, if any) included in the mark are contained in the domain name applied for, in the same order as that in which they appear,

AND

- the general impression of the word is apparent, without any reasonable possibility of misreading the characters or the order in which they appear in the mark.

2.3. When is a trademark or service mark considered to be registered?

This depends wholly on the relevant legislation governing the trademark. In all such cases, the Domain Name Applicant must be able to provide evidence of actual registration.

2.4. My trademark application is pending. Can I apply for the corresponding domain name during the Sunrise?

No. The DotAsia Sunrise is only open to marks that are registered. Furthermore, proof of the application filing date of the trademark is required. (see FAQ 2.2)

2.5. What evidence is required for the “demonstrable usage” condition to be fulfilled?

An electronic copy of a document certified by a legal practitioner clearly and unambiguously stating:

- that the mark invoked by the Domain Name Applicant has been genuinely used by the Domain Name Applicant for the goods and/or services mentioned in the those applicable classes in which it has been registered, in the country, region or economy where it has been registered.
- the date of the mark's first use by the Domain Name Applicant
- evidence that the mark invoked by the Domain Name Applicant in the Sunrise application meets the eligibility requirements set out in the Sunrise policies

A template form for this document will be made available at the web site of the Registry (www.registry.asia). Furthermore, the Domain Name Applicant will also need to support his claim of demonstrable use by submitting certified documentation and/or sample images. The Verification Agent will provide further instructions when the domain name applicant is required to provide proof of demonstrable usage.

2.6. What information regarding my registered mark do I have to submit to the Verification Agent?

The Verification Agent will verify both the Domain Name Applicant's entitlement to the mark and the mark's correspondence to the domain name applied for. For the former, the following bibliographical data must be provided by the Domain Name Applicant at the minimum (and not limited to):

- *Name of the trademark owner*
- *Name of the Domain Name Applicant*
- *Registered Mark:* The exact word or phrase described by the registered trademark used in the domain name application.
- *Registration Number:* Registration 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:* Location (country/economy) where the right is established, using the appropriate official WIPO ST.3 two-letter code (see <http://www.wipo.int/scit/en/standards/pdf/03-03-01.pdf>).
- *Application Date:* Date on which the trademark owner has applied for a registered trademark (corresponding to the registration described by the Registration Number and Registration Locality in 2 and 3 above).
- *Registration Date:* Date on which the competent trademark office has registered the registered trademark (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*: Number of the Class of the registered trademark according to the Nice Classification System (see <http://www.wipo.int/classifications/nivilo/nice/index.htm#>).

If the trademark has been registered under more than one class, any one of those registered classes 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*: Whether the Domain Name Applicant (corresponding to the Registrant Contact) holds the trademark as the original “OWNER”, “CO-OWNER” or “ASSIGNEE”.

The term “ASSIGNEE” should be used in cases where the ownership of the registered trademark is not (yet) reflected by the trademark office, for instance, if the mark has been recently transferred; or in cases where the domain applicant is a licensee.

- *Sunrise Phase*: “SR2a” / “SR2b” / “SR2c”.

2.7. How do I choose which registered mark to base my Sunrise application upon? Is it worth submitting multiple applications?

Each sunrise application can be based on only one registered mark. You are free to choose from any of your registered marks that meet the requirements. You are free to file multiple Sunrise applications for the same domain name, each based on the same or a different (but eligible) registered mark. Multiple applications, even if all are verified, will not grant you any advantage or preference in eventually obtaining the domain name you have applied for.

Also, note that an application based upon a mark registered in a country with an official, free and publicly accessible online trademark register containing all the information indicated above (see 2.4.) can in principle be verified and processed more easily by the Verification Agent than other registered marks. This is due to the rule set on documentary evidence (see section 4 of the FAQ)

2.8. Can I file a Sunrise application for my family name?

You can only apply for your family name during the Sunrise period if you have a registered trademark protecting your family name (Sunrise 2), or if your family name is identical to your company name, which is registered as a juristic entity in the DotAsia Community (Sunrise 3).

3. Technical Issues

3.1. What domain names can I apply for on the basis of my trademark?

Sunrise 2a and 2b Applications on the basis of a registered trademark or service mark must consist of the complete and identical name which is protected by the registered trademark or service mark, as can be verified by the Verification Agent on the basis of an official trademark database or on the basis of documentary evidence requested by the Verification Agent.

For example, the holder of the registered trademark “DELOITTE” can register the domain name <deloitte.asia>.

Certain exceptions are provided for in consideration of the technical limitations of the domain name system (DNS). These are outlined in section 3.2 of this FAQ.

Extended protection to a mark can be applied for under Sunrise 3. In this Sunrise phase, trademark holders can apply for domain names consisting of combinations of a registered trademark, and words from the description of the class (as defined by the Nice classification system) the mark is registered under. Hyphenations and plurals of these words are also permitted. The official Nice classification and descriptions can be found at: <http://www.wipo.int/classifications/nivilo/nice/index.htm#>.

For example, the trademark DELOITTE is registered in class 35 with the Office for Harmonisation in the Internal Market (which is the European Community Trademark office). The official description class 35 is “Advertising; business management; business administration; office functions”. Thus, for example, the holder of the DELOITTE trademark could apply under Sunrise 2c for the domains <deloittebusinessadministration.asia> and <deloitte-business-administration.asia>.

Further guidelines will be published in the near future.

3.2. What exceptions are there to the identical match rule in Sunrise 2a and 2b?

The following exceptional circumstances will not lead to an identical match, but they will nevertheless be deemed acceptable match. No priority or any other advantage shall be given to “identical matches” over “acceptable matches”.

3.2.1. Exceptions for Spaces, Punctuations and Special Characters

For registered trademarks 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 trademark. For example, for 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 trademark 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 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 trademark. 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 Domain Name Applicant should further clarification be required.

Importantly, the hyphen is recognised as a special character which may be omitted or spelled out. This has not been the case in previous Sunrise processes such as the .eu launch.

(Please refer to Section 3.3.1. of the .ASIA Sunrise Policies)

3.2.2. Exceptions for Accented and Combined Characters

At this time, the DotAsia registry will not be accepting IDNs (Internationalized Domain Name) registration Applications. Registered trademarks 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 trademark.

(Please refer to Section 3.3.2. of the .ASIA Sunrise Policies)

3.2.3. Exceptions for Registered Trademark Type or Entity Type Identifiers

Registered trademark 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 trademark.

For those entities whose names are themselves registered trademarks (or for SR3), entity type identifiers such as “Ltd.”, “Co. Ltd.”, “Inc.” may be omitted in the domain name applied for. For example, with the company name “ABCD Ltd.”, the word “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 Domain Name Applicant should there be any questions regarding the appropriateness of the omission.

(Please refer to Section 3.3.3. of the .ASIA Sunrise Policies)

3.2.4. 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 trademark. For example, registered trademarks 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 trademark. For example, the registered trademark owner of “ABCD ASIA” may apply for the domain “ABCD.asia” but the registered trademark 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 Domain Name Applicant should there be any questions regarding the appropriateness of the omission.

(Please refer to Section 3.3.4. of the .ASIA Sunrise Policies)

3.3. What if I have a registered trademark for a name in, for instance, Chinese script? Can I apply for a transliteration of the name?

Transliterations or romanisations of your trademark are not an acceptable replacement for the domain name, unless the transliteration has been registered as an alternative for the trademark name or as a separate trademark.

(Please refer to Section 3.3.5. of the .ASIA Sunrise Policies)

4. *Documentary Evidence*

4.1. How do I know what evidence I need to submit to the Verification Agent?

No Documentary Evidence is required at the time of application unless specifically requested by the Verification Agent and/or the Registry. This applies to all sub-phases of Sunrise 2. For Sunrise 3, documentary evidence is required for all domain name applications submitted in this phase.

If you are requested to submit Documentary Evidence to substantiate the trademark claim made in the domain name application, the Operations and Notifications Contact (OPN Contact) or your Registrar will receive an e-mail detailing the request. According to the .ASIA Sunrise Policies, you may be required to provide, by way of example and without limitation), evidence such as:

For a Sunrise 2a domain name application:

- An electronic copy of an official document issued by the corresponding trademark office or trademark registry indicating that the trademark is duly registered or applied for on or before March 16, 2004 (Sunrise 2a Cut-off Date). Either the original registration or, in case the expiry date of the initial registration is before the actual submission date of the domain name application, the latest renewal certificate should be submitted.
- If the Domain Name Applicant is an assignee he may be asked to provide corresponding declarations. Otherwise, the documentary evidence provided must clearly indicate that the Registrant Contact in the application is also the reported owner or co-owner of the registered trademark.
- An electronic copy of a document certified by a licensed legal practitioner clearly and unambiguously confirming the “demonstrable usage” of the trademark. (see FAQ 2.5.)
- An original or certified copy of any document the Verification Agent deems relevant. A certified translation of documents that are not in English may be requested by the Verification Agent at any time.

For a Sunrise 2b domain name application:

- Documentary evidence ascertaining the entitlement of the Domain Name Applicant to the registered trademark (owner, co-owner, licensee, assignee, sub-licensee)
- Evidence showing that the registered trademark was applied for before December 6, 2006 (Sunrise 2b Cut-off Date)

- An original or certified copy of any document the Verification Agent deems relevant. A certified translation of documents that are not in English may be requested by the Verification Agent at any time.

For a Sunrise 2c domain name application:

- Documents such as described for Sunrise 2a and 2b.

Documents may in any case be requested on a per application basis. This means that if you are applying for various domain names on the basis of the same registered trademark, the Verification Agent and/or the Registry may ask you to support each application with documentary evidence.

4.2. What are the procedural rules I have to abide by for the submission of 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, (or 7 days for Reconsiderations). Submission of documentary evidence will be primarily by electronic format. The electronic documentation must meet the following technical requirements:

- file format: PDF or TIFF
- content must be legible
- maximum file size per page: 400kb
- recommended minimum resolution: 150x150dpi

Other formats, such as an original copy or a certified copy of an original may be requested as the Verification Agent deems necessary. If a Domain Name Applicant fails to produce the documentary evidence within the time period stipulated in the request, the Application shall lapse.

5. *Questions frequently asked by domain name registrars*

5.1. How can we obtain more information from you concerning the verification process and the documentary evidence required?

You can send your questions to our general e-mail address: asia@validation.deloitte.be. However, we cannot guarantee that you will receive an individual response from our team, in particular if your question is “frequently asked” and listed in the Information Brochure and/or the Frequently Asked Questions. In this case, you will be referred to these web pages.

Please do not send requests to other addresses within our organisation, including the general “info@” e-mail addresses.