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1. Introduction

ICANN has implemented in the Applicant Guidebook a number of new Rights Protection Mechanisms, including but not limited to a mandatory Sunrise process, a Trademark Claims process, and a Uniform Rapid Suspension process, next to the existing Consensus Policies regarding the registration of domain names that infringe the trademark rights of others.

This section describes how the Applicant will comply with the above policies and procedures, and even implement additional processes, in order to ensure that the reputation and good name of the applied-for gTLD is safeguarded at all times.

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2. Preventing abusive domain name registrations

In order to prevent abusive domain name registrations in the applied-for TLD, the Applicant / Registry Operator will be entitled and have the ability to intervene in various steps of the domain name lifecycle. In order to enable the Applicant / Registry Operator to do this, it will provide access to a control panel ("portal") to key individuals within the Applicant's organization. By way of this portal, these users can exercise at any time control over the applied-for TLD and any and all domain names registered in this extension, and in particular:

- 1) validate whether a (about to be) registered domain name in the applied-for TLD corresponds to the naming conventions that will be established by the Registry Operator for domain names registered in the applied-for TLD;
- 2) validate contact information associated with registered domain names, in particular these contacts that can exercise control over the domain name itself, the name servers associated with such domain name, etc.;
- 3) validate specific commands, including create, update and delete commands;
- 4) approve for some or all domain names any transfer or trade requests, or intervene in the execution of such requests where the Applicant / Registry Operator suspects that such transfer or trade requests are initiated in bad faith; and
- 5) review whether the use that is made of a particular domain name corresponds with the Applicant's / Registry Operator's use policy, and suspend domain name registrations or even delete name servers associated with domain names that are being used in a manner that does not comply with the types of uses that are allowed by the Applicant / Registry Operator.

Therefore, it is likely that for the term of the Registry Operator Agreement that will be executed between the Applicant and ICANN following award of the applied-for TLD by the latter to the Applicant, the Registry Operator will do its best efforts in order to carefully monitor domain name registrations that are being made in the applied-for gTLD.

This way, the Applicant / Registry Operator will put measures in place on a continuous basis whereby, first of all, the rights and legitimate interest of third parties are safeguarded, and secondly the good reputation of the applied-for gTLD is maintained.

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3. Internal verification and validation processes

One of the safeguards that will be implemented by the Applicant / Registry Operator will be the screening of domain names before such domain names get registered and/or entered into the zone file of the applied-for TLD.

This process will be implemented for each and every domain name reserved by the Registry Operator and Friesland local authorities and registered prior to the launch of the Sunrise process described below.

During any of such screenings, the relevant legal and risk management departments of the Applicant will consider the following factors:

- 1) the likelihood of trademark infringement, if and when such domain name would become registered;
- 2) the legitimate interests the Registry Operator or the local authorities would have when using such domain name. This is in particular relevant if the domain name represents a generic, dictionary word that could be protected as a trademark;
- 3) any potential harm being done to trademark owners when registering and using a particular domain name in the applied-for TLD, and the benefit such domain name would have for the registrant.

Furthermore, the Applicant / Registry Operator may also implement a process whereby it would be screening on an ongoing basis the use that is being made of any domain name registered in the applied-for TLD and will implement reasonable measures in order to avoid harm being done to third parties. This can be done by randomly checking a portion of the domain names registered in the applied-for gTLD.

Although the above processes will make it extremely unlikely that the Applicant / Registry Operator will engage or encourage potentially malicious or infringing activities to be carried out under the applied-for TLD, these cannot be completely excluded.

Therefore, in addition to monitor any domain names registered under the applied-for TLD and the use that is made of such domain names, the Registry will – in accordance with its domain name registration policies – at all times be entitled to intervene if any illegal, malicious or fraudulent activities have been detected. Measures that can be taken include the suspension, revocation and blocking of any domain name registration and, in general, take any action necessary in order to limit or outright avoid any harm being done to the interests and reputation of third parties, the Registry Operator and the applied-for gTLD.

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4. Sunrise

As required by the Registry Operator Agreement, the Registry Operator will implement a Sunrise period and a Trademark Claims service during the start-up phases for registration in the applied-for gTLD.

These mechanisms will be supported by the established Trademark Clearinghouse as indicated by ICANN.

The Trademark Clearinghouse is a central repository for information to be authenticated, stored, and disseminated, pertaining to the rights of trademark holders.

The Applicant / Registry Operator will implement a Sunrise process for the applied-for gTLD, during which eligible rightsholders are offered an early opportunity to register domain names in the gTLD.

During this process, holders of certain trademark rights will be entitled to safeguard the domain names that are identical to the name(s) to which they hold rights, as specified in the Trademark Clearinghouse model accompanying Module 5 to the Applicant Guidebook.

The standards for participation in the Sunrise, which have been aligned with the requirements for inclusion in the Trademark Clearinghouse, are:

- nationally or regionally registered word marks from all jurisdictions;
- any word mark that has been validated through a court of law or other judicial proceeding;
- any word mark protected by a statute or treaty in effect at the time the mark is submitted to the Clearinghouse for inclusion;
- other marks that constitute intellectual property.
- protections afforded to trademark registrations do not extend to applications for registrations, marks within any opposition period or registered marks that were the subject of successful invalidation, cancellation or rectification proceedings.

In accordance with the provisions set out by ICANN in relation to Sunrise processes, recognize and honor all word marks:

- (i) nationally or regionally registered and for which proof of use – which can be a declaration and a single specimen of current use – was submitted to, and validated by, the Trademark Clearinghouse; or
- (ii) that have been court-validated; or
- (iii) that are specifically protected by a statute or treaty currently in effect and that was in effect on or before 26 June 2008

Applicant's / Registry Operator's back-end registry operator has significant experience in managing Sunrise processes. In particular, various key staff members were heavily involved in designing and

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implementing Sunrise processes that preceded the launch of the .EU ccTLD, which is generally considered the most successful Sunrise process that has ever been implemented.

The Registry Service Provider has been involved in the implementation of the Sunrise process for the .SX TLD. Therefore, the Applicant / Registry Operator can rely on significant experience and expertise in order to deploy these processes in an efficient and swift manner.

Based on this experience, the Registry Service Provider has designed its registry platform in order to comply with ICANN's requirement to integrate the registry platform with the Trademark Clearinghouse platform appointed by ICANN.

Furthermore, the Applicant may opt to implement a phased Sunrise process, allowing eligible trademark owners who are residing or have been established in the area of Friesland (Phase I) the opportunity to safeguard their trademarks in the gTLD before other eligible rightsholders will be entitled to do so (Phase II). Furthermore, the Applicant may opt to implement a process whereby eligible trademark owners would be entitled to permanently block their trademarks in the gTLD.

Applicant will be setting different fees for each of the specific processes and procedures it will develop, taking into account the overarching concern that it is in the best interest of the applied-for gTLD to have clear and detailed processes in place that protect the interests of trademark holders.

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5. Trademark Claims

The Applicant / Registry Operator will support ICANN's Trademark Claims process. Depending on the actual process that will be put in place by the Trademark Clearinghouse, the Applicant will implement these processes for at least the duration indicated in ICANN's Applicant Guidebook or may even have this process in place for a longer term.

Similar processes have been put in place by various staff members of the Applicant's back-end registry operator, so also here the Applicant can bow on significant and hands-on experience in handling these types of processes.

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6. Complaints Point of Contact

As is the case for various other processes and proceedings whereby third parties' interests can be harmed, the Complaints Point of Contact that will be put in place by the Applicant / Registry Operator will also here play a pivotal role.

Any party claiming that his trademark(s) are infringed due to the registration and use of a domain name in the applied-for TLD is able to file a complaint before the Complaints Point of Contact of the Applicant / Registry Operator. Filing these complaints will be free of charge. The Complaints Point of Contact will generally provide a written response or even resolution of the matter within 5-10 business days following the receipt of the complaint.

Within this timeframe, the Complaints Point of Contact will investigate the complaint, and carry out *ex officio* investigations. As mentioned previously, the Complaints Point of Contact is entitled to suspend domain name registrations, delete name servers associated with infringing domain name registrations, or even outright revoke and block domain names from further registration if the Complaints Point of Contact is of the opinion that such domain name potentially infringes the rights of a third party, that no legitimate use is being made by the registrant of such domain name, and that there is bad faith involved. It is the true desire of the Applicant / Registry Operator to have potential issues resolved by the Complaints Point of Contact. Therefore costly litigation can be avoided and issues resolved amicably.

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7. UDRP and URS

The Applicant / Registry Operator will implement all domain name dispute resolution policies designed by ICANN, including but not limited to those described in Consensus Policies and the Applicant Guidebook. For the sake of clarity, the Applicant shall comply with the Trademark Post-Delegation Dispute Resolution Procedure (PDDRP) when final procedure is adopted by ICANN. The Applicant shall agree to implement and adhere to any remedies ICANN imposes (which may include any reasonable remedy, including for the avoidance of doubt, the termination of the Registry Agreement pursuant to Section 4.3(e) of the Registry Agreement) following a determination by any PDDRP panel and to be bound by any such determination.

In this respect, the Applicant / Registry Operator will put any registered domain name on hold following receipt of a notification from the Uniform Dispute Resolution Policy or the Uniform Rapid Suspension Policy dispute resolution service provider that a complaint under such policies have been received. Furthermore, it will implement decisions rendered by such dispute resolution service providers, however taking into account at all times that eligibility restrictions may be in force for domain name registrations made in the applied-for TLD.

This could entail that the only remedy available to a third party that is not entitled by the Applicant / Registry Operator to register domain names in the applied-for TLD will be the revocation / deletion of the domain name. In order to ensure maximum compliance with any such decision, the Applicant / Registry Operator will put such domain name on a blocked list (*i.e.* make this domain name unavailable for further registration) insofar and to the extent the UDRP / URS dispute resolution service provider was of the opinion that the domain name registered by any party other than the Registry Operator or other members of the Applicant meets the requirements set out in the UDRP or URS.

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8. Resourcing Plan

The Applicant foresees that 1 FTE resource will suffice in order to oversee and execute the tasks described herein, in addition to the technical and operational resources put at the disposal by OpenRegistry in this respect