

Sunrise Policy

Please note that the Registry may modify this Sunrise Policy from time to time in order to comply with applicable laws and terms and conditions set forth by ICANN and/or the Registry. Any revisions or modifications to this Sunrise Policy shall be effective immediately upon the posting of such revisions or modifications on the Registry's website and such amendments shall be binding upon the Domain Name Registrant.

The background for the present policy is the orderly, fair and technically organised allocation of .NRW Domain Names to eligible (cf. No. 3 of the Domain Name Registration Policy) individuals and legal persons ("**Applicants**" or "**Registrant**") in accordance with this policy and the other integral parts of the contract. The other integral parts of the contract (also "**Registry Policies**") are:

- **Domain Name Registration Policy;**
- **Acceptable Use Policy;**
- **Privacy & Whois-Policy**
- **Sunrise Dispute Resolution Policy; and**
- **Policies required by ICANN, such as URS and UDRP.**

In the event of conflicting and/or contradictory provisions in other integral parts of the contract agreed between the Registrant and their Registrar or reseller, the rules in the above paragraph have priority. Obligations of the Registrant arising from the above policies shall apply mutatis mutandis to the Applicant.

Applicants are notified that application for registration of a specific Domain Name does not necessarily result in actual registration of the desired Domain Name. Contractual rights and privileges only enter into force with actual registration by the Applicant, who is a Domain Name Registrant from the time of actual registration, and their chosen Registrar. In the event of successful application, this Registrar is the sole contact for all the Registrant's contractual questions for the full term of the domain contract.

The following phases are currently planned:

- **Phase 1: Sunrise period (16 December 2014 – 14 February 2015)**
- **Phase 2: Cooling-Off period (15 February 2015 – 24 February 2015)**
- **Phase 3: General Availability (from 25 February 2015)**

1. General provisions

Applications submitted during the various phases must specifically meet the requirements of the Registry Policies, unless there are deviating provisions in the present policy.

The following provisions apply to all applications submitted to the Registry during Sunrise phase.

2. Parties to the application, application procedure, costs

Applications must be forwarded to the Registry through an ICANN-accredited Registrar who has signed a .NRW Registry-Registrar Agreement with the Registry in all phases.

The fees to be paid by the Applicant in the relevant phases can be seen on the websites of the relevant Registrars.

3. Trademark Clearinghouse

During the Sunrise period, mark rights which are the basis for application for registration of a specific Domain Name must be validated before actual registration. Applicants must have marks and other rights previously validated by the Trademark Clearinghouse ("TMCH"). The TMCH is a service independent of the Registry. Word marks and image marks which have a predominantly and clearly recognisable text element are accepted here for validation. The current validation guidelines of the TMCH can be found at www.trademark-clearinghouse.org.

The Registry is not obliged to offer any advice on this.

4. Trademark Claims Service

The Registry is obliged to support the Trademark Claims Service. This means that a Registrant who tries to register a Domain Name identical with a mark deposited in the Trademark Clearinghouse will receive an automatic notification via the Registrar.

This notification contains more details on the mark involved, the classes of goods and services protected by the mark, and the territorial area of protection of the mark.

Registration of the Domain Name involved can only be completed if the Registrant explicitly confirms receipt of the notification that the requested Domain Name does not infringe any mark rights.

The Registrant is further notified that the holder of the mark right involved is being informed of the registration.

5. Registry rights

The Registry is entitled to reject an application at any time:

- if the application clearly does not meet the requirements of the present policy, or
- if the Domain Name applied for is already registered, reserved or blocked, or
- if this is necessary to protect the integrity and stability of the Registry system and/or the operation and/or administration of the .NRW TLD, or
- if this is required to ensure legal action by the Registry and/or comply with ICANN provisions and/or follow court or official rulings, or
- to avoid liability on the part of the Registry and the associated companies, managing directors, senior executives, staff and/or subcontractors.

6. Sunrise Period

- a. The Sunrise Period is a limited-time opportunity for trademark holders who have entered their marks into the Trademark Clearinghouse database (TMCH) and who wish to register Domain Names in the .NRW Top Level Domain ("TLD").
- b. The Registry will offer an approximately sixty (60) day End Date Sunrise, where no Domain Names will be allocated to Applicants during the Sunrise period. Applications for Domain Name Registrations received during the Sunrise period will be evaluated during the subsequent Cooling-off period and Domain Names will then be allocated to eligible Applicants based on the criteria contained in this document.
- c. During the Sunrise period, applications for Domain Names are eligible which are identical with marks validated by the TMCH.
Applicants who have validated their mark successfully with TMCH are obliged to forward the corresponding SMD file ("Signed Mark Data") to the Registrar for review of successful validation at TMCH.
If the Applicant meets further requirements of the Registry Policies, and if the

Sunrise Policy

validated mark and the desired domain are identical, the application is eligible for registration.

- d. Applications missing a valid SMD File, containing an invalid SMD File or where the application misses other requirements of the Registry Policies will be rejected by the Registry.
- e. At the end of the Sunrise Period, applied-for Domain Names with a single eligible Applicant will be allocated to such Applicant. Domain Names with more than one eligible Applicant will proceed to an auction between the competing Applicants. There is no obligation for the participation in the auction. The Domain Name will be registered for the remaining Applicant that got the acceptance of bid in the auction.
- f. For auction-eligible Sunrise Period Domain Names, Applicants will be notified of the existence of other eligible Applicants by a third-party auction provider, who will conduct an auction to determine which Applicant will be permitted to register the contested Domain Names. Domain Names awarded to eligible single Applicants will be permitted to resolve following conclusion of the Sunrise Period. Domain Names awarded to the prevailing party in a Sunrise Auction will be permitted to resolve pursuant to the auction rules, which will be made available to involved Applicants before the auction begins.

7. Sunrise Dispute Resolution Policy

Domain Names which are registered during the Sunrise Period can be the subject of the complaint procedure described in the Sunrise Dispute Resolution Policy (also "SDRP"). For details, see the policy in question.

This does not affect other legal protection mechanisms described in or referred to in the Registry Policies and/or other dispute resolution procedures.

8. General availability

The last phase describes the general availability of the Domain Names not already allocated during the preceding phases.

From this point the Domain Names are registered in accordance with the Registry Policies on a "first come, first served" basis, unless reserved, blocked or premium names are concerned. Within the first 90 days from the start of general availability, the Registry will support the Trademark Claims Service as described above.