



#### dotkoeln registry

NetCologne GmbH | Postfach 30 09 33 | 50779 Köln

## Exclusive Registration Period Launch Program Policy for TLD .cologne

### I. Purpose of this Document

The purpose of this document is to describe our Exclusive Registration Period Launch Program for the Top Level Domain (further "TLD") .cologne for those domains which have so far not been released to the market due to being listed on the Second-Level Domain Block List for .cologne.

This Exclusive Registration Period Launch Program for .cologne is designed to facilitate a fair, orderly and equitable introduction for the so far blocked second level domains of this specific TLD, whilst giving priority to certain rights holders. Additionally, it will act as a deterrent to abusive and bad faith registrations.

The launch policy describes, amongst other things:

- The terms by which eligible parties may submit an application during the Launch Program; and
- The manner, in which their applications will be processed, validated and allocated.

This policy applies to:

- Persons or entities submitting an application; and
- Registrars and their resellers.

### II. Introduction

The Exclusive Registration Period Launch Program for the TLD .cologne is designed to:

- Provide protections to the entities described in this policy;
- Comply with ICANN's requirements for the TLD;
- Prioritize certain applications for domain names.

The Exclusive Registration Period Launch Program will consist of a number of different periods, each of which is described in this policy. Specific information and requirements for those wishing to participate in the launch of the TLD are given in detail for each of those periods.

#### a. Background to the launch program

ICANN requires that NetCologne, in the management of the TLD .cologne, implements certain Rights Protection Mechanisms (often referred to as RPMs) to prevent registration of domain names that violate or abuse another party's legal rights.



Rights Protection Mechanisms do exist in different forms dependant on the stage or period of operation of the TLD. They either exist for a defined period of time, whilst others may subsist or become active as a result of certain conditions.

Details about ICANN's requirements for Rights Protection Mechanisms can be found on the ICANN website at the following link <http://newgtlds.icann.org/en/about/trademark-clearinghouse>.

b. Rights Protection Mechanisms and the Trademark Clearinghouse

ICANN has appointed the TMCH Sunrise and Claims Operator(s) to establish and to operate the Trademark Clearinghouse. Information about the Trademark Clearinghouse and the TMCH Sunrise and Claims Operator can be found at the following link <http://trademark-clearinghouse.com/>.

NetCologne's implementation of the Service has been integrated and tested with the TMCH Sunrise and Claims Operator.

Where applicable our role is to verify the information provided by a Registrar with the information contained in the Trademark Clearinghouse. As a Registry, we do not make any decisions about the validity or use of a mark or its inclusion in the Trademark Clearinghouse ourselves.



### III. The Exclusive Registration Period Launch Program overview

The following is a brief overview of each of the periods that will be implemented in launching the TLD. These periods are described in greater detail in the correspondent sections of this document.

	Commencement Date/ Time	Claims Period	Duration in Calendar Days	Conclusion Date/ Time	Description
Exclusive Registration Period	Dec 10 2014   00:00 CET	no	31	Jan 09 2015   23:59 CET	The Exclusive Registration Period allows anyone registered in the Trademark Clearinghouse as a trademark rights holder and presenting a valid SMD file a preferential registration of so far blocked domain names formed from the mark designation.
Exclusive Limited Registration Period	Jan 10 2014   00:00 CET	no	6	Jan 15 2015   23:59 CET	This period allows (i) the City of Cologne priority registration of so far blocked domain names - as holder of all rights and title in the TLD designation ".cologne" - or for other public bodies, in particular for the City's subordinate bodies and self-regulatory professional organisations and chambers ("Reserved Domain Names") and (ii) (future) Domain Holders priority registration of so far blocked domain names if they can demonstrate a special bond to the City of Cologne.
General Availability	Jan 16 2015   00:00 CET	yes	ongoing	ongoing	Upon completion of all preceding registration periods, remaining so far blocked domain names are generally available for registration throughout the availability of the TLD at the regular price. As of this date, any fully legally competent (future) domain holder may submit domain requests.



#### IV. Exclusive Registration Period Launch Program period descriptions

##### a. Pre- Exclusive Registration Period Activities description

Prior to the start of the Exclusive Registration Period, Registry may exempt such domain names from registration temporarily or permanently which are in themselves unlawful, e. g. because they contain race baiting slogans ("Exempt domain names")

The list of Exempt domain names has been made available by NetCologne in the registrar's section of the registry's website [www.dot.koeln](http://www.dot.koeln). NetCologne reserves the right to amend the list to remedy previous errors, in case a domain name no longer meets all registration requirements, or if any further domain names have been declared unlawful by a court of law or a government authority.

The Pre-Exclusive Registration Period ends at the beginning of the Exclusive Registration Period.

Exempt domain names are registered only upon completion of a case-by-case review by NetCologne. NetCologne shall not be legally obliged to register any specific domain name. domain names contained in the list of Exempt domain names will be registered by NetCologne only if the chosen domain name is evidently lawful and was erroneously listed as an Exempt domain name, if the evidently lawful due to a change of law, or if it expressly declared lawful by court ruling. The Trademark Claims Service applies to all registration of exempt domain names.

Domain requests for exempt domain names may only be submitted by accredited registrars eligible to submit registrations in the TLD.

##### b. Exclusive Registration Period description

The Exclusive Registration Period allows anyone registered in the Trademark Clearinghouse as a trademark rights holder a preferential registration of domain names formed from the mark designation.

During the Exclusive Registration Period, domain names can only be registered in favor of mark rights holders registered in the Trademark Clearinghouse. The (future) domain holder must therefore match the information of the mark rights holder registered in the Trademark Clearinghouse exactly and without any doubt.

##### i. Special requirements

In addition to the requirements set forth in the General Registration Policy, domain requests during the Exclusive Registration Period must also meet the following requirements:



#### Registration in the Trademark Clearinghouse

- The trademark from which the selected domain name is formed must be registered in the Trademark Clearinghouse ([www.trademark-clearinghouse.com](http://www.trademark-clearinghouse.com)) in favor of the (future) domain holder.
- Upon registration of a domain name, the (future) domain holder must submit a valid "Signed Mark Data" (SMD) file as evidence of registration in the Trademark Clearinghouse. This SMD file is provided to NetCologne automatically by the Trademark Clearinghouse and contains all necessary information for review of the Sunrise Registration. This includes the trademark designation, information of the holder of rights to the mark and the "labels" formed from the trademark. No Sunrise Registration may be requested without submitting an SMD file.

#### Exact match to a formed label

- The selected domain name must be an exact match to a "Label" formed by the Trademark Clearinghouse from the mark designation and contained in the SMD data.

#### Regulations for ß and "Umlaut"

- If the selected domain name contains one or more "ß" or "Umlaut" characters, it is mandatory to select the equivalent domain name in the Exclusive Registration Period that matches a label exactly.

#### ii. Duration of the Exclusive Registration Period

The Exclusive Registration Period begins on December 10 2014 at 00:00:00 CET (Central European Time) and lasts for thirty one (31) days as given per ICANN. It thus ends on January 09 2015 at 23:59:59 CET.

NetCologne is entitled, however not obliged, to extend the term of the Exclusive Registration Period, even whilst this period is running, whereas the term of the Exclusive Registration Period may not be shortened. NetCologne shall inform ICANN and the Trademark Clearinghouse of any extension of the Exclusive Registration Period at least four days prior the extension starts. NetCologne shall also notify the registrars of an extension to the Exclusive Registration Period in a timely manner.

If the Exclusive Registration Period is extended, all the following registration periods are postponed accordingly.

#### iii. Exclusive Registration Period Registration Process

During the Exclusive Registration Period, applications for domains are received which are identical with marks validated by the Trademark Clearinghouse. The domains are allocated on the "first come, first served" principle.

Applicants who have validated their mark successfully with the Trademark Clearinghouse are obliged to forward the corresponding SMD file to the registrar for review of successful validation at the Trademark Clearinghouse. If the applicant meets the further requirements of the registry, and if the validated mark and the desired domain are identical, this concludes the application.



Applications relating to .cologne domains where there is no identical match must be rejected. The registry notes that the identical matches have been generated by the Trademark Clearinghouse, so that the registry has no influence on whether the domain requested by the applicant is identical with their mark validated by the Trademark Clearinghouse. The validation guidelines of the Trademark Clearinghouse apply, and are available at [www.trademark-clearinghouse.org](http://www.trademark-clearinghouse.org).

c. Exclusive Limited Registration Period description

i. Aim of the Exclusive Limited Registration Period

The Exclusive Registration Period is directly followed by the "Exclusive Limited Registration Period". This period allows

- The **City of Cologne priority registration of domain names so far blocked** – as holder of all rights and title in the TLD designation ".cologne" – or for other public bodies, in particular for the City's subordinate bodies and self-regulatory professional organizations and chambers ("Reserved domain names") and
- (Future) **domain holder's priority registration of so far blocked domain names** if they can demonstrate a special bond to the City of Cologne.

**Please note: only domain names will be accepted as eligible for taking part in this period if they are listed on the list of blocked SLD strings provides by ICANN as part of the Registry Agreement for the TLD .cologne.** The list may be found under <https://www.icann.org/sites/default/files/tlds/cologne/cologne-apd-list-12nov13-en.csv>

The .cologne TLD contains an imminent geographic reference to the City of Cologne. The City of Cologne, as the public law body holding all rights to the designation "Köln", has supported NetCologne's application to operate the Registry for the .cologne TLD. As a TLD with a geographic reference ("geoTLD"), NetCologne feels obliged to continue on this geographic bond also in the registration of Second Level Domains.

For this reason, this Exclusive Limited Registration Period is aimed at all types of associations and other societies of individuals listed below, which demonstrate a strong bond to the City of Cologne and its neighborhoods ("Veedel"), its history and tradition, its customs and the Rhenish culture, its institutions and associations, its art and music, or to the region in general. These (future) domain holders specifically listed below do not need to be registered in the Trademark Clearinghouse during the Exclusive Limited Registration Period, they may make their claim to a domain name on their designation and right of publicity instead of a mark and may, in addition to their designation, also choose to register as a domain name any deviating designations commonly used, nicknames or abbreviations. Special attention shall be paid designations or parts thereof, which match the TLD string.

The Exclusive Limited Registration Period is thus not aimed solely at the people of Cologne, but also at all eligible (future) domain holders across the world able to demonstrate a strong bond to this region.



## ii. Eligibility

In the Exclusive Limited Registration Period, domain names may only be registered in favor of the following classes of (future) domain holders:

- The City of Cologne – as holder of all rights and title in the TLD designation ".cologne" – or other public bodies, in particular the City's subordinate bodies and self-regulatory professional organizations and chambers
- Associations (registered associations, associations formed under pre-constitutional law, incorporated commercial associations), non-incorporated associations and other societies of individuals who operate under a collective name,
- Trade unions,
- Political parties,
- Public law bodies, churches recognized under public law, institutions and trusts established under public law.

Legal representative or agents must provide suitable evidence of power of attorney, if domain names are to be registered in his favor and not that of the legal entity.

## iii. Special Requirements

Preferential registration of domain names in the Exclusive Limited Registration Period is governed not only by the general requirements, but also by the following special requirements:

### Reserved domain names

Reserved domain names may only be registered in favor of the body entitled to use the designation concerned. All reserved domain names that are not registered in favor of the body entitled to use the designation concerned remain exempt from registration, unless the entitled body is dissolved or expressly waives its right to register the Reserved domain name by notice to Registry.

### Distinctive name

Name or designation of the (future) domain holder must be the characteristic part of the chosen domain name. The domain name must be distinguishable because of its composition vis-à-vis the same category of (future) domain holders. Generic terms, group designations and collective terms may only be used as a subordinate, descriptive component of the domain name. Exclusively or predominantly generic terms, group designations and collective terms cannot be registered as domain names in the Exclusive Limited Registration Period.

- For example, distinguishably composed domain names, such as photo-schmitz.cologne or bakery-backes.cologne, would be qualified, but photos.cologne or bakery.cologne would not be.
- As an exception, a generic term would qualify as a domain name, if its characteristic designation is identical to the TLD string under the following regulations.



### Geographic Reference

In addition to the distinctive name component, a special regional bond to the .cologne TLD must be demonstrated for every domain request in the Exclusive Limited Registration Period. This special regional bond to the .cologne TLD of the domain request may be based either on a special regional bond of the selected domain name or on a special regional bond of the (future) domain holder.

Such a special regional bond of the domain request may be shown by providing evidence of:

- A place of residence or business, or business premises in the Administrative District of Cologne,
- A special connection of the domain name to the City of Cologne and its neighborhoods ("Veedel"), its history and tradition, its customs and Rhenish culture, its institutions and associations, its art and music, or to the Cologne region.

Evidence of a place of residence or business, or business premises in the Administrative District of Cologne may be given by

- (Electronic) submission of suitable documents, e.g. excerpt from a public register (register of residents, register of associations, trade register, register of qualified craftsmen, etc.), which is not older than 12 months and which shows at least the post code of the (future) domain holder,
- Verification of the postal address by the registrar using typically used procedures, e.g. matching with the credit card address, successful deliveries in the past, Post-Ident verification.

Evidence of a domain name's special regional bond to .cologne TLD may be given by

- (Electronic) submission of at least two (2) publicly accessible documents not older than ten (10) years, published by independent third parties, e.g. press articles, which mention the special bond of the domain name to the .cologne TLD, or
- (Electronic) submission of at least two (2) printed documents which were distributed to members of (future) domain holder at least one (1) year ago, at most ten (10) years ago, e.g. members' paper or magazine, program pamphlet, which show without doubt the special regional bond of the domain name to the .cologne TLD.

If the chosen domain name is not equal to (registered) name or designation of the (future) domain holder, evidence given must also show that

- The chosen domain name is commonly used and/or a trade designation, nickname, acronym or other abbreviation of the (future) domain holder.
- This is intended in particular to allow traditional associations to register their commonly used name instead of or in addition to "official" names as a domain name. For example, Cologne carnival association "Kölsche Funke rut-wieß vun 1823" are commonly known only as "Rote Funken" and may therefore select this designation as a domain name in the Exclusive Limited Registration Period.

#### iv. Incorporation of TLD string in the designation

The TLD string .cologne may be used as a name component of the chosen domain name. Any (future) domain holder whose name or designation contains "köln", "kölsch", "kölnisch", "cöln", "cölsch", "cölnisch" (as a variant of the City of Cologne's German name "Köln"), including their equivalent





characters (ö = oe), their plurals or a declination ("kölsches", "kölschen") may replace this name component by the TLD string .cologne. It is, however, necessary that the evidence given extends to the name component "köln" or one of the aforementioned variants.

Within this substitution, the TLD string has the same value as any other name component and shall be equally considered towards the distinctiveness of the name or designation.

Based on this exception, certain domain names may be requested in the Exclusive Limited Registration Period, which would not be distinctive enough without incorporation of the TLD string, e.g. erster-fc.cologne, lichter.cologne, kunstverein.cologne or arcaden.cologne.

#### v. Duration

The Exclusive Limited Registration Period begins on January 10 2015 at 00:00:00 hrs CET and lasts six (6) days. It therefore ends on January 15 2015 at 23:59:59 hrs CET.

#### vi. Exclusive Limited Registration process

No domain names requested in the Exclusive Limited Registration Period shall be registered until after review at the end of the Exclusive Registration Period.

On January 3 2015 the registry will publish an application form on its website [www.dot.koeln](http://www.dot.koeln) where all eligible beneficiaries will be able to apply for a domain name under the conditions given above. The following data will have to be submitted:

- Domain name applied for
- Notification in the register of associations via PDF or online
- Name of the association
- Street
- Number
- Zip code
- City
- Phone number
- Fax number
- Email address
- Personalized technical contact
- Personalized administrative contact
- Email address of the administrative contact
- Name of the chairman of the association
- Checkbox to certify that the supplier of this form has the permission to represent the association.



After submitting the form the system will automatically assign a time stamp which may be used as a reference for prioritization under our first come first served policy, if necessary.

All data will be stored in a separate database at the registry. The data and documents will only be used and stored for this purpose.

Following the examination of an application within one working day NetCologne will enter the domains into the registry operating system manually. During the Exclusive Limited Registration Period the annual costs for the registrar and for the applicant will be set to Euro 00.00,-. This price will be granted for a period of three (3) years, after which the annual price of the domain will be the registry's standard price.

After manually entering the applied-for domain name into the registry system, the technical data (owner, admin etc.) will at first be NetCologne's own data.

During the Exclusive Limited Registration Period an association may order its pre-registered domain through any authorized registrar. The domain than will be transmitted by NetCologne to the requesting registrar. Only then the domain can be used by registrants. In EPP and in the Control Panel this transaction technically will trigger a \*create\* command, which will delete the domain from the NetCologne records and create a new one with the applicant's data at the registrar.

To ensure transaction safety, at least 12 hours must elapse between entering the applied for domain name into the Exclusive Limited Registration Period Database and ordering the domain through a registrar. Thus, the database will be shut down on January 15 2015 11:59:59 CET.

#### vii. Trademark Claims service

The Trademark Claims Service applies to all registrations the in Exclusive Limited Registration Period.

#### viii. Dispute Resolution mechanisms

In the Exclusive Limited Registration Period only those dispute resolution mechanisms prescribed for all registration periods shall apply.

#### d. General Availability

General Availability of so far blocked domain names shall follow immediately after the Exclusive Limited Registration Period. It begins on January 16 2015 at 00:00:00 hrs CET.

Upon completion of all preceding restricted registration periods, remaining domain names are generally available for registration throughout the availability of the TLD. As of this date, any fully legally competent (future) domain holder may submit domain requests. Domain requests must be submitted to registrars accredited for the TLD. All registrations of domain names shall be performed in accordance with this General Registration policy.



e. Claims period overview

i. What is a claims period?

In order to meet ICANN's requirements, Claims Periods will operate at certain stages during NetCologne's Exclusive Registration Period Launch Program for the TLD .cologne.

Throughout the time when a Claims Period operates, during the process of making an Application for a domain name, the Applicant will be notified (via a Claims Notice) if the applied for Label is a Trademark Match to a Trademark Record in the Trademark Clearinghouse. Where that Label is allocated, the Trademark Holder with the corresponding Trademark Record will be notified of such by the TMCH Sunrise and Claims Operator.

ii. How does a claims period operate?

The Claims Notice forms part of the process of submitting an application for a domain name, and the applicant for the domain name will be required to acknowledge the information contained within the Claims Notice before processing the application.

iii. When will a claims period operate for the TLD?

The Claims Period will be in effect during:

- The entire duration of the Exclusive Limited Registration Period described in this document; and
- The entire duration of the Exclusive Limited Registration Period described in this document; and
- The **first 90 calendar days after January 16 2015**.

The Claims Period will be in effect from the date so described in 'The Exclusive Registration Period Launch Program overview' (page 5).

iv. Notice and duration

Once commenced, NetCologne may extend the duration of the Claims Period. If the Claims Period is extended, NetCologne will provide such notice on the registry's website [www.dot.koeln](http://www.dot.koeln) and via any other means that seem appropriate.



## V. Basic requirements of an application

Domain requests for domain names in the ".cologne" TLD may only be addressed to accredited registrars. A separate request is required for each domain name. The registry shall make available a list of accredited registrars on its website [www.dot.koeln](http://www.dot.koeln). The registry provides its services to all accredited registrars without discrimination, i.e. all accredited registrars have equal opportunities to register and manage domain names.

The Domain Contract is made between the accredited registrar and the (future) domain holder.

### a. Obstacles to registration

A domain request will be denied if:

- An exempt domain name is chosen without providing sufficient evidence with regard to all applicable registration requirements,
- A reserved domain name is chosen without providing sufficient evidence of the right to use the chosen designation,
- The selected domain name contains any characters other than the permitted characters,
- It was not submitted to registry by a registrar accredited for the TLD, or if it is evident that no domain contract for the domain name was concluded with any registrar accredited for the TLD,
- Personal data provided by the future domain holder is evidently incorrect or not all minimum required data was provided,
- Not all registration requirements as set forth in this General Registration Policy or in the Special Registration Policy are met or no satisfactory evidence for any of the requirements is provided,
- The chosen domain name or an equivalent domain name is already registered in favor of another domain holder,
- A domain name transfer is requested for a domain name that is subject to a dispute, hold or blocking restriction, and the requesting future domain holder, and the future domain holder is not the beneficiary of said dispute, hold or blocking restriction, or
- A domain name transfer is requested without a valid Auth-Code.

Late submission of information or evidence supporting any of the foregoing requirements shall be regarded as failure to provide the requested information or evidence, unless the registry's request for information or evidence

- Contains an unreasonably short deadline or
- Failed to inform registrar that late submission may lead to the domain request being denied.



#### b. Application Periods

All applications must specify the period under which the application is being submitted and contain any such information that is required of that period as described in this document.

Applications may only be submitted once the period to which the application relates has commenced.

Successful applicants must enter into an agreement for the domain name with their registrar.

### VI. Registrant's representations and warranties

All domain names or applications for domain names as the case may be, are subject to NetCologne's policies for .cologne, and policies, procedures and requirements as issued by ICANN.

Our policy documents can be found in the policy section of the registry's website [www.dot.koeln](http://www.dot.koeln).

- Without limiting any other agreement or policy, by submitting an application for a domain name an applicant will be deemed to have warranted that:
- It has the authority to make an application;
- The information provided is current, complete, and accurate, and the applicant agrees to correct and update the information to ensure it remains current, complete, and accurate;
- Any information the applicant may have provided to the TMCH Sunrise and Claims Operator is true and correct; and
- Where the application relates to an Exclusive Registration Period, to the best of the applicant's knowledge the requested label is a trademark match to the validated mark.

The applicant and the registrar understand and acknowledge:

- That the act of submitting an application for a domain name in no way guarantees the domain name will be allocated to the applicant;
- Where multiple applications are received for a domain name, that those applications may be subject to the processes as described in this policy
- That NetCologne may prevent an applicant from making an application and registering or renewing a domain name where that applicant has been found to be in breach of NetCologne's policy.

By submitting an application for a domain name the applicant and the registrar agree:

- To be subject to this and any other policy issued by us, and acknowledge that any domain name may be subject to a dispute resolution process, and that the outcome of such process may result in the domain name registration being transferred to another entity, being suspended or cancelled;
- That we reserve the right to deny any application, or cancel, lock, place on hold, transfer or delete any domain name that we deem necessary, in our sole discretion:
  - To protect the integrity and stability of the Service;
  - To comply with our obligations;



- To comply with any applicable laws, government rules or requirements, requests of law enforcement, or in compliance with any dispute resolution policies or process;
  - To avoid any liability, civil or criminal, on our part, as well as our affiliates, subsidiaries, officers, directors, employees and subcontractors;
  - To ensure compliance with NetCologne's policies for .cologne;
  - For the non-payment to us of any fee; or
  - To correct mistakes made by us or any registrar, or any of its service providers in connection with an application or a domain name.
- 
- To indemnify and keep us (including our employees, agents and subcontractors) fully indemnified from and against all suits, actions, claims, demands, losses, liabilities, damages, costs and expenses, that may be made or brought against or suffered or incurred by us, arising out of or in connection in any way, with your breach of any policy or agreement that an applicant may have with NetCologne.