



Create Your Opportunity

# Sunrise Information Guide & FAQ

March 2010

A Publication of .CO Internet S.A.S. | Version 0.2

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The .CO Sunrise Information Guide & FAQ describes the general terms of the .CO Sunrise Process, which is governed by the Official .CO Sunrise Policy. The Official .CO Sunrise Policy, as well as other official policies and procedures relating to different aspects of the .CO Launch Plan, can be found on our website at <http://www.cointernet.co/domain/launch>.

All applications for the registration of domain names under the .CO top-level domain must meet the requirements defined in the Official .CO Sunrise Policy, which shall be made available for your review at [www.COinternet.co/policies-procedures](http://www.COinternet.co/policies-procedures). As with all official .CO Registry policies, the Official .CO Sunrise Policy, as amended from time to time, shall be available only in digital format and shall be the only authoritative source for determining whether or not a particular domain name was applied for and/or allocated correctly during the .CO Sunrise Process.

While all necessary measures have been taken in order to provide you with clear and detailed information in this Sunrise Information Guide & FAQ, neither .CO Internet S.A.S., Laga, Deloitte, Arcelandia and/or Neustar; nor any principal or agent thereof, can be held liable for any errors, inaccuracies or omissions in this document. Your use and reliance on the information contained herein is your sole responsibility.

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## 1. Introduction

### 1.1. Purpose

The purpose of the .CO Sunrise Information Guide & FAQ is to describe the general terms of the .CO Sunrise Process, which is governed by the Official .CO Sunrise Policy, and was established pursuant to the authority granted by the Policies of Administration governing the .CO domain in Resolution 1652 of 2008, and in accordance with Law 1341 of 2009, issued by the Government of the Republic of Colombia, and expressed by the Ministry of Information Technology and Communications (“MINTIC”).<sup>1</sup>

The .CO Launch & Registration Rules, as well as other official policies and procedures relating to the different aspects of the .CO Launch Plan, can be found on our website at <http://www.COinternet.co/policies-procedures>.

### 1.2. Background

.CO is the Internet country code top-level domain (“ccTLD”) delegated to the Republic of Colombia by the Internet Assigned Numbers Authority (IANA) in 1991. Due to strict eligibility and documentation requirements, adoption of the domain was historically very low – with only approximately 28,000 3rd level registrations (e.g., domain.com.co) registered and active at the start of 2010.

In July of 2008, Colombia’s Ministry of Information Technologies and Communications (“MINTIC”) defined new, liberalized policies to govern the .CO ccTLD. As the result of many years of policy debate, consultation with the local Internet community and consideration of global best practices, Colombia decided to open the .CO domain at the 2nd level (e.g., domain.co) without restriction – making .CO far more attractive to registrants both within Colombia – and around the World.

Starting in August 2008, MINTIC commenced a structured, thorough and objective procurement process to identify a new administrator to implement the newly liberalized policies and to operate .CO in a sustainable and responsible manner. In August 2009, MINTIC awarded .CO Internet S.A.S. a ten-year contract to serve as the designated manager for the .CO ccTLD. On February 7, 2010, .CO Internet successfully completed the orderly transition of all existing domains to from the prior registry operator, the University of the Andes (UNIANDES), marking the completion of the transition process and the start of a new era for the .CO domain.

### 1.3. .CO Internet S.A.S.

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<sup>1</sup> <http://www.cointernet.com.co/sites/default/files/documents/politicas-dominio-CO.pdf>.

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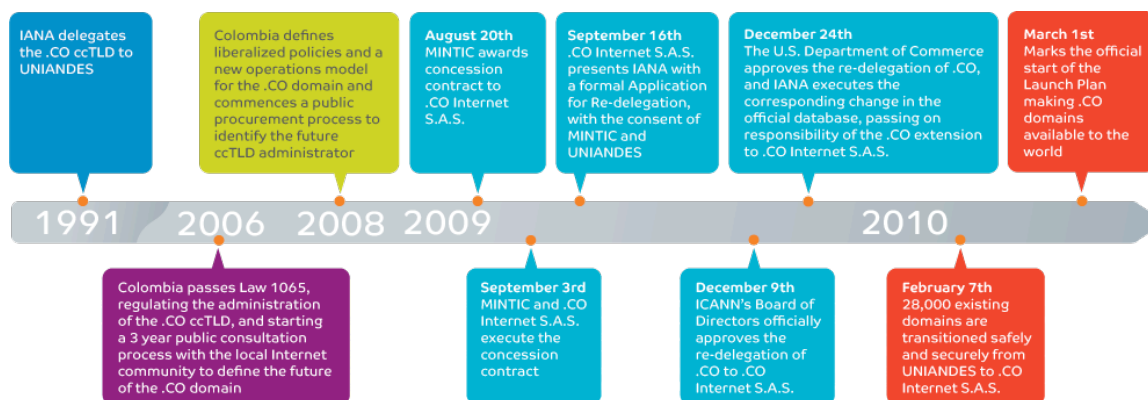


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.CO Internet S.A.S. is a strategic venture formed by Arcelandia S.A., a wholly-owned Colombian company, and the U.S. company Neustar, Inc., for the purpose of administering, operating and promoting the .CO top-level domain. Arcelandia is a holding company with interests in a variety of Internet-related and other businesses; and Neustar is a world-leading provider of global registry and managed DNS services for top-level domains.

.CO Internet is committed to managing both the .CO Registry, and the domain name system that underpins it, as a steward of both the local and the global Internet communities.

## 1.4. Historic Timeline



## 1.5. Launch Plan

With the transition from UNIANDES now complete, the next step in the global launch of .CO is the implementation of a multi-phase Launch Plan (also referred to as a “Gradual Offering Plan”) to ensure for the safe, stable and orderly distribution of .CO domains.

The Launch Plan will last for approximately five months and is divided into four primary phases, each of which is described in greater detail below.

- Phase 1: the Grandfather Process
- Phase 2: the Sunrise Process
- Phase 3: Land Rush
- Phase 4: General Availability

The primary focus of this Information Guide and FAQ is Phase 2 of the Launch Plan, known as “The Sunrise Process.” The Sunrise Process was created to allow trademark holders to prevent the abusive registration of domain names for which they hold rights to the maximum extent possible. It accomplishes this by giving the holders of certain eligible registered trademarks the right to apply for the .CO domain names corresponding with their trademarks before the registration of domain names under the .CO TLD is open to the public at large.

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The Sunrise Process is divided into two sub-phases:

- Sunrise “Local (A)” - gives holders of eligible trademarks that have obtained registered status from the Colombian trademark office the opportunity apply for the .CO domain names corresponding with their marks for a period of time before registration is open to the public at large, including those who are eligible to protect their marks under Global Sunrise B.
- Sunrise “Global (B)” – gives holders of eligible registered trademarks of national effect, that have obtained a registered status in any country of the world, the opportunity apply for the .CO domain names corresponding with their marks for a period of time before registration is open to the public at large.

More details about each of the phases of the Sunrise Process, and the related Launch Plan, follow immediately below.



## Phase 1: Grandfathering March 1<sup>st</sup> - March 31<sup>st</sup>, 2010

Period during which existing 3rd level domain registrants are given the opportunity to register their exact match domain names directly under the .CO top-level domain before registration is open to the general public.

To be eligible for grandfathering, the applicant must be a current 3<sup>rd</sup> level domain registrant; and the domain must have been registered and active on or before July 30<sup>th</sup>, 2008.

Only domain names with the following 3<sup>rd</sup> level extensions are eligible to be grandfathered: .com.co, .net.co, .nom.co, org.co, .edu.co.

## Phase 2: Local Sunrise A April 1<sup>st</sup> – April 20<sup>th</sup>, 2010

Period during which holders of eligible trademarks that have obtained registered status by the Colombian trademark office can apply for their corresponding domain name(s) directly under the .CO TLD before registration is open to the general public.

To be eligible to participate in the Local Sunrise A, the applicant must be the holder of a trademark that has obtained registered status from the Colombian trademark office on or before July 30, 2008.

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If more than one eligible applicant seeks the exact same domain name during the Local Sunrise A, the domain name will be allocated pursuant to an auction process, as described further below.

## **Phase 2: Global Sunrise B** *April 26 - June 10th, 2010*

Period during which holders of trademarks of national effect that have obtained a registered status in their respective country or region anywhere in the world can apply for their corresponding domain name(s) directly under the .CO TLD before registration is open to the general public.

To be eligible to participate in the Global Sunrise B, the applicant must be the holder of a trademark of national effect that has obtained registered status on or before July 30, 2008.

If more than one eligible applicant seeks the exact same domain name during the Global Sunrise B, the domain name will be allocated pursuant to an auction process, as described further below.

## **Phase 3: Landrush** *June 21 - July 13th, 2010*

Period during which interested parties can seek to register priority domains not previously registered through the Grandfathering and Sunrise phases, or otherwise reserved by the Registry or Restricted by Policy.

An auction process will be used to allocate domain names in the event that more than one applicant applies for the same domain, as described further below.

## **Phase 4: General Availability** *July 20th, 2010*

General availability is the date when .CO opens to the general public, and available .CO domain names can be registered on a first-come, first-served basis.

## **1.6. Validation Agents**

The Validation Agents for considering domain name applications during the .CO Sunrise Process are the global consulting firm Deloitte and the Belgian law firm Laga, working jointly. The Validation Agents will use a defined process for checking the eligibility of the legal rights claimed as the basis of each Sunrise Application using official national trademark databases and submitted documentary evidence.

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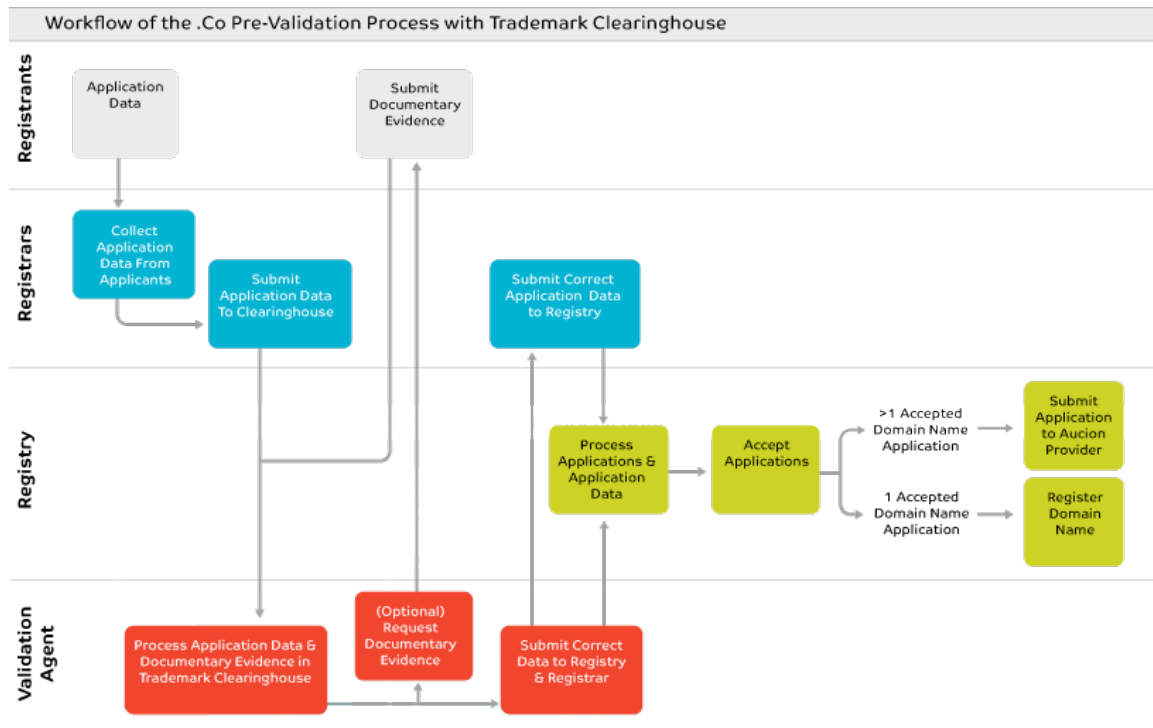
Applicants and/or their designated agents will have the option to interact directly with the Validation Agents to ensure their applications are accurate and complete prior to submitting them to the Registry pursuant to an optional “Pre-validation Process” using a IP Clearinghouse, as described in greater detail below.

## 2. Sunrise Application Process

### 2.1. .CO Accredited Registrars

Each application for the registration of a domain name during the .CO Sunrise Process (hereinafter “Application”) can only be submitted through one of the registrars that are accredited by the Registry (hereinafter “.CO Accredited Registrars”).

Although .CO Internet offers, through its Validation Agents, the option to be included in an IP Clearinghouse (as explained further below), the holders of the pre-validated rights included in the IP Clearinghouse are nonetheless required to submit their Application through .CO Accredited Registrars. There are two ways of submitting an Application: 1) directly through a .CO Accredited Registrar and b) through the IP Clearinghouse.



Application Data (as defined below) is submitted to the IP Clearinghouse; Applications containing Application Data are submitted to the Registry, and the Registry may or may not grant a registration, subject to the outcome of the allocation process. If there is only one Application for a particular domain name, and the Applicant for that domain name has provided either correct Application Data (meeting the requirements of the .CO Launch Rules), or a Pre-Verification Registration Code relating to such domain name, the Registry will register such domain name.

The physical person or entity in whose name an Application has been submitted through a .CO Accredited Registrar, or any agent thereof, is hereinafter referred to as the “Applicant” for such a domain name.

## 2.2. Submitting Accurate Domain Name Application and Trademark Data

Every Applicant must ensure to submit full, detailed and accurate information in its Application. Although not required, by making use of the IP Clearinghouse operated by the Validation Agents, the Applicant can obtain a pre-approval concerning the accuracy and completeness of their trademark data, thereby eliminating the risk that the Application will be rejected by the Registry due to incomplete or inaccurate information.

## 2.3. References to Bibliographical Data

Each Application must contain accurate, complete and up-to-date information in, amongst others, the following fields:

- The name or description of the sign / trademark on which the Application is based <trademark\_name>;
- The country, region, locality wherein the trademark has been registered <trademark\_country>;
- The Registration Number of the registered trademark (if applicable) <registration\_number>;
- The capacity of the Applicant <applicant\_capacity>.

### 2.3.1. The Name or Description of the Trademark on which the Application is based

The <trademark\_name> field must contain the exact word or phrase of the sign for which a trademark is invoked by the Applicant. Examples are provided below.

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## 2.3.1.1. Word Marks / Standard Character Marks / Word Signs

For word marks / standard character marks, the information to be provided in the <trademark\_name> field is generally the same as the actual word(s) registered with the relevant Intellectual Property Right office.

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”.

The screenshot shows a web browser window displaying the Trademark Electronic Search System (TESS) interface. The search results for the word mark "DELOITTE" are visible. The word "DELOITTE" is prominently displayed in large, bold, black letters. Below the word, the following information is provided:

- Word Mark Goods and Services:** DELOITTE
- 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
- IC 042 US 100 101 G & S:** Design and development of computer hardware and software; consulting services in the field of computer based information systems for businesses; consulting services in the field of identification, prioritization, analysis, design, development and implementation of computer-based information systems for insurance and other financial service businesses and other industries; technical consulting and assistance with computer-based information systems and components thereof; litigation support services including investigative audits and financial analyses; computer assurance services relating to the development of security systems and contingency planning for information systems

Additional information shown includes:

- Standard Characters Claimed:** (4) STANDARD CHARACTER MARK
- Mark Drawing Code:** 79002856
- Serial Number:** February 12, 2004

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

For other signs to a name, this field should contain the full wording / description of such sign.

## 2.3.1.2. Figurative Signs

.CO Internet has adopted a similar approach towards figurative marks as other registries have in previous Sunrise processes.

This means that 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 of which the sign consists or the order in which those characters appear.

In case the name protected by a trademark contains special characters which due to technical requirements cannot form part of a domain name (such as for instance @, !, §, %, ... ), these characters may either be transcribed, replaced by a hyphen or omitted. Insofar and to the extent such characters are common in the Spanish language, they can form part of the A-label of the domain name.

For examples further clarifying the above rules, please refer to the FAQ section.

### 2.3.2. Trademark Country <ipr:country>

The <trademark\_country> field should contain the country, region and/or locality wherein the trademark has been registered. The location (country/region/locality/organization) where the right is established should be referenced using the corresponding WIPO Standard ST.3 two-letter code (found at: <http://www.wipo.int/scit/en/standards/pdf/03-03-01.pdf>) and NOT the ISO-3166 list.

If an Applicant is applying on the basis of a Community Trademark (CTM), it is required to select or complete “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 or complete “BX”.

### 2.3.3. Registration Number <ipr:number>

This field should contain the registration number of the registered mark’s current registration.

### 2.3.4. Applicant capacity <ipr:capacity>

We need to know whether the Applicant (corresponding to the Registrant Contact) holds the trademark as an original “OWNER”, a “LICENSEE” an “ASSIGNEE,” as defined below. Please utilize “ASSIGNEE” 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.

#### 2.3.4.1. OWNER

In case the name of the domain name applicant is identical to the name of the holder of the trademark, as reflected on the extract or certificate of the trademark office or the field <ipr:capacity> should contain the value “OWNER”. If there is no identical match, the domain name applicant should attribute any of the other values as indicated below.

#### 2.3.4.2. LICENSEE

In case the Applicant is not the owner of the registered trademark invoked in the Application, but is a licensee of such a trademark, the Applicant must submit as

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documentary evidence a duly completed and executed license declaration using the Form which will be made available by the Registry at <http://www.COinternet.co/policies-procedures>.

### 2.3.4.3. ASSIGNEE

The Applicant must indicate “ASSIGNEE” in this field in any of the following circumstances:

- Where the Applicant is the co-owner of the owner of the registered trademark invoked in the Application, additional documentary evidence will be required. The documentary evidence will consist of a duly completed and executed Form for which a template will be made available by the Registry at <http://www.COinternet.co/policies-procedures>.
- Where the official name of the trademark owner has been changed, and such change has not been recorded with the competent trademark office, the 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 will be made available by the Registry at <http://www.COinternet.co/policies-procedures>.

No other documents will be allowed.

## 2.4. Documentary Evidence

If the Validation Agents it necessary to ascertain the Applicants' eligibility for the domain name applied for, the Applicant will be required to submit (through its .CO Accredited Registrar) documentary evidence. Such evidence must include at least an up-to-date electronic copy of an official document 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 has obtained a registered status on or before June 30th 2008.

The Applicant should provide accurate, up-to-date and correct information for the consideration of the Validation Agents. Documentary evidence must clearly indicate that:

- Applicant is the holder of a right to the registered trademark; and
- Trademark invoked by the Applicant meets the conditions set forth in the .CO Launch Rules.

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

In case an Applicant submits an Application on the basis of a trademark that consists of a dictionary word or generic term, the Applicant must provide – upon request of the Validation Agents – proof of substantial use of the trademark, such proof of use may be but is not limited to:

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- Significant investment into the development and promotion of the corresponding trademark online and offline; and,
- Substantial sales threshold in connection with goods and services associated with the mark.

In case the documentary evidence would be insufficient to prove substantial use, the Registry holds the right to reject the Application.

## 2.5. Pre-Validation with the IP Clearinghouse

If the Validation Agents find it necessary to ascertain the Applicants' eligibility for the domain name applied for, the Applicant will be required to submit documentary evidence through its .CO Accredited Registrar.

As of the first of March of 2010, Accredited .CO Registrars will have the option to submit their trademark data via the IP Clearinghouse, enabling them to pre-validate the trademark data they intend to submit to the Registry.

Parties who are eligible to submit data via the IP Clearinghouse include: .CO Accredited Registrars and their agents.

With the IP Clearinghouse, Applicants will receive up-front certainty on whether or not their Application data and the corresponding trademark data meets the requirements of the .CO Launch Rules.

### 2.5.1. The IP Clearinghouse

When registering with the IP Clearinghouse, the user will receive a login and password.

Once the user has registered with the IP Clearinghouse, he/she will be requested to indicate which .CO Accredited Registrar he/she or would like to use for his/her Applications.

The Application data and the corresponding trademark data will be validated by the Validation Agents. In case the trademark data is incorrect or incomplete, the Validation Agents, whenever possible, will make the necessary modifications to correct the trademark data on the basis of public information and will make such trademark data available through the IP Clearinghouse.

Neither the Validation Agents nor the Registry can be held responsible for any modification made; nor can they give any guarantees that the particular Application will be ultimately accepted, considering the allocation process that is used by the Registry.

When the trademark data has been validated, the Validation Agents will submit an authentication code that corresponds with the trademark information and the Application to the selected .CO

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registrar. The latter will be responsible for submitting the Application that corresponds with the authentication code to the Registry.

## 2.5.2. What the IP Clearinghouse will not do

The IP Clearinghouse will not apply for or register your domain name. This must be done through a .CO Accredited Registrar.

Furthermore, although the IP Clearinghouse can provide prospective Applicants with up-front certainty on whether or not an Application will meet the requirements of the .CO Launch Rules, it will not provide certainty on whether or not the domain name can be actually registered, as the domain name may have already been registered in a previous phase, or reserved by the Registry.

## 2.6. Sunrise Reconsideration Proceedings

In accordance to the .CO Launch Rules, Applicants may initiate a Sunrise Reconsideration Proceeding, as described below. The request for reconsideration must be submitted within a 10 day period as from the publication date of the Registry's decision in the Sunrise Application Database.

An Applicant may request a reconsideration (through its .CO accredited Registrar) if and when the Application in question has been rejected by the Registry.

Any Applicant may initiate a Sunrise Reconsideration Proceeding who does not agree with the Validation Agents' assessment that:

- the Applicant is not the owner, licensee or assignee of the registered trademark on which the Sunrise Application is based upon;
- the domain name applied for is not identical to the trademark name as invoked in the Sunrise Application;
- the trademark invoked by an Applicant does not have national effect;
- the trademark invoked by an Applicant was registered after the 30th of July of 2008;
- the trademark invoked by the Applicant does not fulfill any of the other requirements as set out in the .CO Launch Rules.

In all cases, a Request for Reconsideration must be submitted to the Validation Agents (through a .CO Registrar) and a reconsideration fee of \$100 must be paid to the Registry.

Under the Sunrise Reconsideration Proceeding, the Validation Agents may request additional documentary evidence that needs to be submitted to the Validation Agents within 10 days of the request.

## 2.7. Names Unavailable for Registration

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Certain domain names may not be available at the time when the Applicant submits an Application for a domain name during the .CO Sunrise Process.

This will in particular be the case for the following names:

- Domain names that have been registered through the Grandfather process;
- Domain names that have been reserved by the Registry, for its own operations;
- Domain names that have been reserved by the Registry and will be available for registration as Premium Domains (available at auction or premium fixed price);
- Domain names that do not meet the technical criteria set out below;
- Restricted domains and/or domains reserved for special uses by the Colombian Government and/or the Registry.
- Domain names that have been registered during Sunrise “Local (A)” will not be available during Sunrise “Global (B)”.

Applicants are recommended to verify on a regular basis whether or not the domain name(s) for which they wish to submit an Application are still available.

## 3. Sunrise Eligibility Requirements

### 3.1. Sunrise “Local (A)”

In order to be eligible to submit an Application during Sunrise “Local (A)”: the Applicant – irrespective of its location of incorporation or residence – must be the owner, assignee or licensee of the corresponding registered trademark that is registered and in full force and effect at the moment of submitting its Application; and which obtained registered status by the Colombian Trademark Office on or before the 30th of July of 2008.

### 3.2. Sunrise “Global (B)”

In order to be eligible to submit an Application during Sunrise “Global (B)”:

- The Applicant – irrespective of the location of incorporation or residence – must be the owner, assignee or licensee of the corresponding registered trademark of national effect, having obtained a registered status on or before the July 30, 2008 cut-off date, and the trademark must be in full force and effect at the moment of submitting its Application; and
- The eligible trademark must be registered in a country, region, locality, or organization where the right is established in accordance with the WIPO ST.3 standard two-letter code (and NOT the ISO-3166 list). (See <http://www.wipo.int/scit/en/standards/pdf/03-03-01.pdf>).

## 4. Domain Name Allocation

### 4.1. During the Grandfather Process, from March 1 – March 31, 2010

During Grandfathering, priority will be given to eligible 3rd level domain registrants who elect to register their domain names directly under the .CO top-level domain.

In the case of two or more matching domain names (e.g., <example.com.co> and <example.net.co>) that meet the Grandfathering criteria, only the domain name that presents the oldest 3rd level registration date will be considered eligible for registration.

Domain names will be allocated immediately following the conclusion of the Grandfather Process and the domain names allocated will not be available for inclusion in subsequent phases of the Launch Plan.

### 4.2. During Sunrise “Local (A)”, from April 1 – April 20, 2010

During the Sunrise “Local (A)”, priority is given to trademarks that have obtained registered status by the Colombian trademark office on or before the July 30, 2008 cut-off date.

If only one Application is verified successfully during Sunrise “Local (A)”, the domain name will be allocated to that successfully verified Application.

For domain names with more than one Application, each Application will be verified for conformance.

If more than one Application for a domain name in Sunrise “Local (A)” is validated successfully, and the domain name is not allocated previously or otherwise reserved by the Registry or Restricted, the contending Applicants for such domain name will go into auction.

Domain names will be allocated immediately following the conclusion of Sunrise “Local (A)”, and all related auctions, and the names allocated will not be available for inclusion in subsequent phases of the Launch Plan.

### 4.3. During Sunrise “Global (B)”, from April 26 – June 10, 2010

During the Sunrise “Global (B)”, priority is given to any other registered trademarks of national effect, having obtained a registered status in any country in the world on or before the July 30, 2008 cut-off date.

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Trademarks that have obtained registered status by the Colombian trademark office on or before the cut-off date have equal priority in Sunrise “Global (B)” to trademarks of national effect having obtained a registered status in any country in the world on or before the same cut-off date.

If only one Application is verified successfully during Sunrise “Global (B)”, the domain name will be allocated to that successfully verified Application.

For domain names with more than one Application, each Application will be verified for conformance. If more than one Application for a domain name in Sunrise “Global (B)” is validated successfully, and the domain name is not allocated previously or otherwise reserved by the Registry or Restricted, the contending Applicants for such domain name will go into auction.

Domains will be allocated immediately following the conclusion of Sunrise “Global (B)”, and all related auctions, and the names allocated will not be available for inclusion in subsequent phases of the Launch Plan.

#### 4.4. During Landrush, from June 21 – July 13, 2010

During Landrush, priority is given to interested parties who seek to register domain names that were not previously allocated during the Grandfather Process, Sunrise “Local (A)” and/or Sunrise “Global (B)”; and are not otherwise reserved by the Registry or Restricted. An auction process will be used if there is more than one Applicant applies for the same domain. Domains will be allocated immediately following the conclusion of the Landrush, and all related auctions, and the names allocated will not be available for inclusion in subsequent phases of the Launch Plan.

#### 4.5. During General Availability, Starting July 20, 2010

General availability is the date when .CO opens to the general public, and available .CO domain names can be registered on a first-come, first-served basis.

## 5. Domain Name Auctions

.CO Internet is committed to ensuring a fair, orderly and equitable launch of the .CO domain. That’s why we’ve opted to create a multi-phase, gradual Launch Plan that takes into account the prior rights of key stakeholders – like trademark holders and the owners of existing 3rd level .CO domains.

Instead of deploying a traditional “first-come- first-served” distribution of domain names, which historically has pitted registrars and registrants against one another in a chaotic race to secure key domain names, and often resulted in unfair, unequal and unpredictable outcomes -- we will be deploying a domain name auction system to facilitate the fair and equitable distribution of names.

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Domain names that receive only one application and are successfully verified according to .CO policies will be allocated to the applicant. If a domain name receives more than one qualified application during Sunrise “Local (A)”, Sunrise “Global (B)” and Landrush, an auction will be held for the domain between the qualified applicants. All domain name applications received within a particular phase of the Launch Plan, including Sunrise “Local (A)”, Sunrise “Global (B)” and Landrush, will be treated as though they were received at the same time.

Prior to the commencement of an auction, each qualified bidder will be provided with the required to participate in the relevant auction. No auction will be conducted for domains with only one qualified applicant.

We believe that a competitive bidding process will result in a fair distribution of domain names to those who ascribe the greatest value to them and are most likely to develop the secured names.

## 6. Frequently Asked Questions

### 6.1. General

#### 6.1.1. What is the .CO Sunrise Process?

Based on Resolution 1652 of 2008 of the Ministry of Information Technology and Communications (“MINTIC”), issued by the Colombian Government, .CO Internet has established a Sunrise Process to allow holders of certain registered trademarks of national effect to apply for a .CO domain name corresponding with their trademark before the registration of domain names under the .CO TLD is open to the general public.

The .CO Sunrise Process is organized into two phases:

1. **“Sunrise “Local (A)””** (April 1 - April 20, 2010): Priority is given to trademarks that have obtained registered status by the Colombian trademark office on or before July 30, 2008.
2. **“Sunrise “Global (B)””** (April 26 - June 10, 2010): Priority is given to any other registered trademarks of national effect, having obtained a registered status in any country in the world on or before July 30, 2008.

#### 6.1.2. Who is eligible to apply for .CO domain names during the Sunrise Process?

In Sunrise “Local (A)”, the .CO Sunrise is open to all owners, licensees and/or assignees of a trademark that has obtained a registered status by the Colombian Trademark Office on or before the 30<sup>th</sup> of July 2008.

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In Sunrise “Global (B)”, the .CO Sunrise is open to all owners, licensees and/or assignees of registered trademarks of national effect that have obtained a registered status in any country of the world on or before the 30th of July 2008, regardless of the Applicant’s country of residence or incorporation.

## 6.1.3. Who validates my .CO Application?

The designated Validation Agents for the .CO Sunrise are Deloitte and Laga.

Nevertheless, it is the Registry who takes the final decision to register or not a particular domain name that is the subject of an Application.

## 6.1.4. Can I track my Application?

The Registry will make available a database on which all Applications are listed.

In case of pre-validated Application Data, the Application data and the the trademark data will be made available as well via a database provided by Deloitte and Laga.

## 6.1.5. Will I receive a notification when the Registry/Validation Agents update these databases?

No. It is up to the Applicant to check this database on a regular basis.

## 6.1.6. How long will the validation process take?

.CO Internet intends to process the 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 the request for reconsiderations.

Nevertheless, every attempt will be made in order to process most applications during each Sunrise phase or shortly thereafter.

## 6.1.7. Besides this FAQ document, are there any other resources available on the .CO Sunrise and .CO Internet in general?

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Yes. Both the .CO Registry and the Validation Agents will make available more detailed information prior to the start of the .CO Sunrise process on their respective web sites.

## 6.1.8. What is the IP Clearinghouse and pre-validation?

Pre-validation gives Applicants the option to send in their trademark data directly to the Validation Agents via the IP Clearinghouse. This allows the Validation Agents to provide the Applicant with an up-front binding assessment of their trademark data.

In case the trademark data is incomplete or incorrect, the trademark data will be modified by the Validation Agents in consultation with the Applicant / trademark holder.

This service has been established on the basis of the Validation Agents' experience in previous Sunrise processes, where more than 50% of all applications were rejected due to the fact that incorrect information was submitted to the respective registries. The implementation of the IP Clearinghouse attempts to prevent this situation, since Validation Agents will assist users of the IP Clearinghouse in correcting their trademark data and provide for an up-front assessment of such data.

## 6.1.9. Once my trademark data is validated by the IP Clearinghouse, is my domain name registered?

No. Before the Application and the trademark data is validated, the Applicant must indicate which Accredited .CO Registrar he/she would like to use.

Once the Applicant has provided the Validation Agents with this information, the data will be validated by the Validation Agents. The Applicant will receive then an authentication code that corresponds with the domain name and trademark data; the same will be submitted to the relevant .CO Accredited Registrar.

## 6.1.10. Does pre-validation guarantee that my Application will be accepted?

Pre-validation does not guarantee that your Application will be accepted. If your pre-validated Application does not meet the .CO Sunrise requirements and no other corresponding trademark data could be found, then the Application will not be accepted by the Registry.

Pre-validation does however guarantee that the Validation Agents will check all available trademark information and correct and/or amend the received trademark data where applicable.

## 6.2. Eligible Rights

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## 6.2.1. What entitlement to a trademark must I have in order to be eligible to make an Application for the corresponding domain name?

The following are all eligible to submit one or more Applications during the .CO Sunrise Process:

- Owners of eligible registered trademark rights;
- Licensees of such rights; or
- Assignees of such rights.

In case the Applicant is a licensee or assignee, the Applicant may be requested by the Registry and/or the Validation Agents to provide a declaration (a template form is made available on the Registry's website: <http://www.COinternet.co/policies-procedures>). Such a declaration must be duly completed and signed by both the owner of the claimed registered trademark and the Applicant.

## 6.2.2. Which registered trademarks are eligible for Sunrise Applications?

In Sunrise "Local (A)" the Applicant must be able to prove that the trademark has obtained a registered status with the Colombian trademark office on or before the 30<sup>th</sup> of July 2008.

In Sunrise "Global (B)", the Applicant must be able to prove that the registered trademark of national effect has obtained a registered status with a trademark office in any country in the world on or before the 30<sup>th</sup> of July 2008. Only the trademark offices that are entitled to register trademarks in one of the states or entities set out in the WIPO Standard ST.3 list will be considered. In trademark terms, this entails that the trademark must be "of national effect".

In line with previous Sunrise processes, the Registry will also accept Sunrise applications based upon figurative trademarks, as long as:

- the trademark 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 trademark 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 trademark.

### 6.2.3. When is a trademark considered to be registered?

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

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

No. The .CO Sunrise Process is only open to registered trademarks that have obtained a registered status on or before the 30<sup>th</sup> of July 2008.

### 6.2.5. What information regarding my registered trademark do I have to submit to the Validation Agents?

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

- *Registered trademark:* The exact word or phrase described by the registered trademark used in the Application.
- *Registration Number:* Registration number of the registered trademark's current registration. This is not the trademark application number. This number must enable the Validation Agents to access the correct registration entry in the trademark registry or trademark office.
- *Registration Country:* Location (country/region/organization) 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>).
- *Applicant capacity:* The capacity of the Applicant ("OWNER", "LICENSEE" 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 trademark has been recently transferred; or in cases where the Applicant is a co-owner.

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- *Sunrise Phase:* “SRA” / “SRB”

## 6.3. Technical Issues

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

Applications on the basis of a registered trademark must consist of the complete and identical name which is protected by the registered trademark, as can be verified by the Validation Agents on the basis of an official online freely accessible trademark database or on the basis of the provided documentary evidence.

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

Certain exceptions are provided for in consideration of the technical limitations of the domain name system (DNS).

### 6.3.2. What exceptions are there to the identical match rule?

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”.

#### 6.3.2.1. 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 trademark that contains the text “A B C D”, the domains: “A-B-C-D.co”, “ABCD.co”, “AB-CD.co”, 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:

~ @ # !, §, % ^ © or &

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.co” will be considered an acceptable match for “A+B”, “A--B”, “A-B”; “A--B.co” 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.co” or “AplusB.co”. Both will be considered an acceptable match. The appropriateness of the replacement word will be determined by the Validation Agents with additional information sought from the Applicant should further clarification be required.

Importantly, the hyphen is recognized as a special character which may be omitted or spelled out.

### 6.3.2.2. Exceptions for Accented and Combined Characters

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.

However, the following accented and combined characters commonly used in the Spanish language are permitted and do not have to be replaced, such as á é í ó ú ü and ñ.

## 6.4. Documentary Evidence

### 6.4.1. How do I know what evidence I need to submit to the Validation Agents?

If you are requested to submit Documentary Evidence to substantiate the trademark claim made in the Application, the Validation Agents will send an email to the Admin-C’s email address with details of the request. According to the .CO Launch Rules, you may be required to provide, by way of example and without limitation), evidence such as:

- An electronic copy of an official document issued by the corresponding trademark office or trademark registry indicating that the trademark has obtained a registered status before June 30<sup>th</sup> 2008. Either the original registration or, in case the expiry date of the initial registration is before the actual submission date of the Application, the latest renewal certificate should be submitted;
- If the Applicant is an assignee or licensee, he will be asked to provide corresponding declarations;
- An original or certified copy of any document the Validation Agents deems relevant. A certified translation of documents that are not in English may be requested by the Validation Agents at any time;

- Proof of current and significant use of the trademark in the country wherein the trademark registration has been obtained (even if the trademark laws in such countries do not require the trademark owner to actually use the trademark within a specific timeframes).

#### 6.4.2. What are the 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 Validation Agent, which shall be further notified. Submission of documentary evidence will be primarily by electronic format. The electronic documentation must meet the following technical requirements:

- File format: PDF and a maximum size of 1 Mb
- Content must be legible
- DIN A4 or Letter standard layout
- Documents must be humanly readable

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

When using the IP Clearinghouse, such information can be uploaded via the web interface that is made available to applicants.

## 6.5. Sunrise Appeal and Reconsideration Proceedings

#### 6.5.1. What if my Application does not meet the requirements laid down in the .CO Sunrise Policy?

In case the Validation Agents determines that the Application does not meet the Sunrise requirements, the Registry will be notified. Upon receipt of such notification, the Registry may reject the Application and will update the Sunrise Database application accordingly.

When using the IP Clearinghouse, the Applicant will obtain detailed insights in the reasons why an Application has been rejected through the web interface.

#### 6.5.2. Can my rejected Sunrise application be reconsidered?

Yes, an Applicant can file a request for reconsideration within 10 days of the publication of the Registry's decision by completing a form/document that will be made available on the websites of both the Validation Agents and the Registry.

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Upon receipt of the reconsideration request and the corresponding fee, the Validation Agents will re-examine the Application, and notify the complainant.