

Фонд содействия развитию технологий и инфраструктуры Интернета
Введено в действие: 30 апреля 2014 г.
Дата окончания действия: 28 августа 2014 г.
Версия документа: 1.0

.MOSCOW SUNRISE DISPUTE RESOLUTION POLICY

This Policy sets forth the terms and conditions of second-level domain name dispute resolution in .MOSCOW TLD.

Terms and definitions used in this Policy:

Complaint is an application executed and submitted to the Registry Operator pursuant to this Policy, which states that there are no grounds for a performed registration of a second-level .MOSCOW domain name during the Sunrise period in the name of the current Registrant, or that there are no grounds for rejection of the registration of the second-level .MOSCOW domain name during the Sunrise period.

Complainant is a person or an entity that submits a complaint to the Registry Operator.

Other terms used herein are defined in the Terms and definitions used for the registration of second-level domain names in .MOSCOW and .MOCKBA, as published on the official website of the Foundation for Assistance for Internet Technologies and Infrastructure Development at the section "Documents" at:

<http://en.faitid.org/projects/moscow/documents>

1. General Provisions

1.1. Terms and conditions of second-level domain name registration in the .MOSCOW TLD during the Sunrise period are set forth in the Policy for Registration of Second-Level Domain Names in the .MOSCOW TLD During the Sunrise Period ("*Sunrise Policy*").

1.2. This Policy shall be used for extrajudicial resolution of disputes on second-level .MOSCOW domain names, arising out of the following complaints submitted by the Complainant:

1.2.1. Complaints against the **Sunrise domain name registration**. Such complaints are possible if Complainant has evidence of lack of grounds for Sunrise domain name registration in the name of the current Registrant pursuant to the Sunrise Policy.

1.2.2. Complaints against the **rejection of Sunrise domain name registration**. Such complaints are possible if Complainant has evidence of lack of grounds for rejection of the Sunrise domain name registration in the name of the Complainant pursuant to the Sunrise Policy.

1.3. Registry Operator shall review and resolve any complaints related to Sunrise domain name registration or rejection of Sunrise domain name registration pursuant to this Policy.

1.4. Any complaints and comments to them, as well as any responses to complaints and comments to such responses shall be made in writing in Russian.

Any attachments to the complaint or the response may be in any other language, but must have a Russian translation.

Such Russian translations must be notarized if such attachments are in English and contain more than one hundred (100) words in total, or if such attachments are not in English.

All correspondence and communication related to complaints and responses thereto shall be in Russian.

Complaints and comments/attachments thereto, as well as responses to complaints and comments/attachments thereto submitted to the Registry Operator will not be returned to Complainant regardless of the review results and may be stored by the Registry Operator pursuant to the procedure and the time frames set by the Registry Operator.

1.5. The Complaint shall be signed by the Complainant. The Complaint from an entity shall be signed by its sole executive body (a person with primary signature authority) or other person legally authorized to do that (please specify the job title and attach documents confirming authority), and shall be certified by the seal of the legal entity

The Complaint shall contain signatory's (signatories') printed last name with initials and the date of signing of the Complaint.

1.6. The Complaint may be submitted to the Registry Operator via one of the following means of communication:

- Via email at: abuse.contact@faitid.org
- Via postal service at: 3 Khoroshyovskaya, 2 s. 1, Moscow, 123308, Russia

1.7. All complaints will be reviewed based solely on written materials, without any oral communication / hearings.

1.8. Any disputes on authenticity/validity of SMD file shall be reviewed by TMCH pursuant to the policy published on the official website of TMCH at <http://trademark-clearinghouse.com/dispute>. If TMCH finds that SMD file is false/invalid, Registry Operator may, but not required to, satisfy such a Complaint.

2. Terms and Conditions of Execution and Submission of Complaints

2.1. The Complaint against Sunrise domain name registration in the name of the current Registrant ("**Complaint Against Registration**").

2.1.1. The Complaint Against Registration shall be executed in writing and shall contain the following information:

- Full name of the Complainant (a person or a legal entity).
- Official address of the Complainant (a person or a legal entity), including the official name of the country.
- Email address(es) of the Complainant for receipt of information related to complaint review and for further communication with Complainant.
- The Domain name that is the subject of complaint.
- The Reason why Complainant considers such a Sunrise domain name registration illegitimate and comments with well founded explanation of the Complainant's position, i.e.:
 - At the time of the domain name registration, the Registrant was not an owner of the trademark the registration was based on.
 - The domain name does not reproduce in full the verbal appellation of the trademark its registration was based on.

- At the time of domain name registration the trademark, the registration for which was based on, had not been duly registered under any national or regional procedure, or had not been legally protected.
- The trademark the domain name registration was based on, had been registered after or on the date of signing of the Registry Agreement between Registry Operator and ICANN, or after September 15, 2012.

If the domain name is registered in violation of the Sunrise Policy, Complainant shall include in its comments a reference to the applicable clauses of the Sunrise Policy.

- The Request to perform inspection of the performed Sunrise domain name registration.
- List of actions performed by the Complainant to dispute the performed Sunrise domain name registration before submitting the complaint, or indication that such actions were not performed.
- If Complainant is an individual: Complainant's consent for processing of the personal data from the Complaint by the Registry Operator or any third party engaged by the Registry Operator, for disclosure of such data through mass media or telecommunications networks, or for providing access to such data for the general public by any other means.
- Warranty and acknowledgment by Complainant that information in the Complaint is complete and accurate, that the Complaint is submitted not to harm or damage TLD Administrator, Registrar, Registry Operator, or any third party, and that Complainant (and not the Registry Operator, the Registrar, or third parties) shall be solely responsible for any bans set by the Registry Operator on any actions with the registered domain name due to complaint review, for any consequences of such bans, for any other restrictions, damages and so on, which domain name registrant suffered due to complaint review in the case such Complaint is not satisfied.

Additional documents, information, materials may be attached to the Complaint as evidence that the Sunrise domain name registration was performed in violation of the Sunrise Policy; such documents, information, materials shall comply with clauses 1.4 and 1.5 hereof.

2.1.2. Complainant may submit its Complaint Against Registration to the Registry Operator within thirty (30) calendar days after the domain name registration. The Registry Operator will not review any complaints submitted at a later date.

2.2. Complaint against the rejection of the Sunrise domain name registration ("**Complaint Against Rejection**").

2.2.1. The Complaint Against Rejection shall be executed in writing and shall contain the following information:

- Full name of the Complainant (a person or a legal entity).
- Official address of the Complainant (a person or a legal entity), including the official name of the country.
- Email address(es) of the Complainant for receipt of information related to complaint review and for further communication with Complainant.

- The Domain name that is the subject of rejection.
- The Name of the Registrar that rejected the Sunrise domain name registration and the URL of the Registrar's website, or indication that rejection was received from the Registry Operator.
- The Reason why Complainant considers such a rejection of Sunrise domain name registration illegitimate and comments with well founded explanation of the Complainant's position with references to the Sunrise Policy.
- Request for a Sunrise domain name registration in the name of the Complainant in the case the Registry Operator finds rejection of Sunrise domain name registration to be illegitimate after its review, provided that such a domain name is available when the Registry Operator resolves such complaint.
- List of actions performed by the Complainant to dispute the rejection of Sunrise domain name registration before submitting complaint, or indication that such actions were not performed.
- If the Complainant is an individual: Complainant's consent for processing of the personal data from the Complaint by the Registry Operator or any third party engaged by the Registry Operator, for disclosure of such data through mass media or telecommunications networks, or for providing access to such data for the general public by any other means.
- Warranty and acknowledgment by the Complainant that information in the Complaint is complete and accurate, and that Complaint is submitted not to harm or damage TLD Administrator, the Registrar, the Registry Operator, or any third party. Warranty and acknowledgment by the Complainant that information in the Complaint is complete and accurate, that the complaint is submitted not to harm or damage TLD Administrator, the Registrar, the Registry Operator, or any third party, and that the Complainant (and not the Registry Operator, the Registrar, or third parties) shall be solely responsible for any bans set by the Registry Operator on any actions with the registered domain name due to complaint review, for any consequences of such bans, for any other restrictions, damages and so on, which domain name registrant suffered due to complaint review in the case such complaint is not satisfied.

Copies of the following documents and materials must be attached to the Complaint:

- Registration Agreement between the Complainant and the Registrar with respect to .MOCKBA/.MOSCOW domain names, or the URL of such an agreement.
- Text of the rejection of Sunrise domain name registration received by the Complainant (with indication of the form and date of such rejection), containing reasons for such a rejection. Documents, materials, and information provided by the Complainant to the Registrar when submitting its request for the Sunrise domain name registration.

Additional documents, information, materials may be attached to the Complaint to evidence that the Sunrise domain name registration was rejected in violation of the Sunrise Policy; such documents, information, materials shall comply with clauses 1.4 and 1.5 hereof.

2.2.3. The Complainant may submit its Complaint Against Rejection to the Registry Operator within five (5) calendar days after rejection of the Sunrise domain name registration. The Registry Operator will not review any complaints submitted at a later date.

3. Complaint Review Procedure

3.1. After receiving the Complaint, the Registry Operator shall, within three (3) calendar days provide an electronic notice:

3.1.1. If the Complaint is accepted for review — to the email addresses of the Complainant and the Registrar listed by the Complainant in the Complaint (for Complainants Against Rejection), or to the email addresses of the Complainant, the Registrar, and the Registrant (for Complaints Against Registration).

3.1.2. If the Complaint review is rejected — to the email address of the Complainant. If the Complaint does not contain Complainant's email address, the notice will not be provided.

3.2. The Registry Operator will not review complaints in the following cases:

3.2.1. The Complaint does not comply with the requirements of this Policy or is submitted in violation of this Policy.

3.2.2. Information contained in the Complaint is incorrect, incomplete, or invalid (e.g., wrong domain name), and/or required documents and materials are not attached to the Complaint.

3.2.3. The Complaint is identical to another Complaint submitted by such Complainant earlier.

3.2.4. The Complaint contains information unrelated to .MOCKBA (e.g., complaint is for a domain name registered in any TLD other than .MOCKBA), etc.

3.3. In the case of acceptance of Complaint Against Registration, the Registry Operator may block the domain name in question (e.g., may, at its own discretion, ban any actions with such domain name and/or suspend domain name delegation) for the time of the Complaint review.

The Registry Operator shall not be responsible to the Registrant, the Registrar, and third parties for damages arisen out of the delegation suspension pursuant to this Policy.

3.4. The Registry Operator shall review (independently or by engaging a third party) the Complaint within thirty (30) calendar days.

3.5. If the Registry Operator accepts the Complaint for review, the domain name Registrant may submit to the Registry Operator a well grounded explanation of legitimacy of the Sunrise domain name registration in its name within three (3) calendar days after receiving a notice from the Registry Operator pursuant to clause 3.1.1. hereof. Additional documents evidencing legitimacy of Sunrise domain name registration may be attached by the Registrant.

3.6. The Complainant may cancel its complaint at any time before the Registry Operator provides a notice stating that the Complaint is resolved. In this case the Registry Operator will cease the Complaint review.

3.7. The Registry Operator may cease the Complaint review after learning that a lawsuit was filed regarding the domain name in question.

3.8. The Registry Operator will give an email notice on the result of the Complaint review or on ceasing of the complaint review to the Complainant, the Registrar, and the Registrant (in the case of complaint against registration).

4. Miscellaneous

4.1. Provisions of this Policy shall be effective during the Sunrise period and within forty-five (45) calendar days after its conclusion.

4.2. The Registry Operator shall store information on Complaints and attachments thereto, as well as on the results of Complaint reviews, for three (3) years, and may provide it in accordance with the laws of the Russian Federation.

4.3. The Registry Operator may amend this Policy at any time, including changing, supplementing, approving new versions of, or canceling it. The Registry Operator shall notify Registrars of any changes, supplements, updates, or new versions of this Policy at least thirty (30) calendar days prior to the effective date of such changes, supplements, updates, or new versions by publishing information about such changes, supplements, updates, or new versions on its website at: <http://faitid.org>