



## **.IN Sunrise Rules**

release date: December 20, 2004

### **Introduction**

Owners of registered Indian trademarks or service marks who wish to protect their marks will be given the opportunity to apply for .IN domain names before the general public. The Sunrise will give preference to Indian citizens and companies over entities from abroad.

### **Sunrise Period Schedule**

Applications must be submitted to the registry only through an accredited registrar.

Queue 1 is open only to trademark or service mark holders who are Indian citizens or Indian registered companies.

Queue 2 is open to foreign entities that own Indian trademarks or service marks.

Applications for both queues will be accepted from 1 January, 2005 at 12:00 Indian Standard Time (IST) (06:30 UTC), to 21 January, 2005 at 17:00 IST (11:30 UTC).

Proof of trademark or service mark must be received by the Registry no later than 17:00 IST (11:30 UTC) on 4 February 2005.

Open (real-time) registration for the general public will begin on 16 February 2005, at 12:00 IST (06:30 UTC).

### **Eligibility Rules**

In order to be considered valid, a Sunrise application must meet all of the following criteria:

1. The trademark or service mark registration must have been issued by the Registrar of Trademarks, Government of India. The trademark or service mark owner must be eligible for the queue the application was submitted to.

2. The trademark or service mark registration must be current (non-expired) and valid, and must have been issued in the applicant's name prior to December 31, 2004.
3. The domain name applied for must be identical to the textual or word elements of the trademark or service mark that is registered (discounting any domain extension element).

3a. The domain name applied for must be represented in ASCII characters only. Only letters, digits, and hyphens will be accepted in a domain name. No applications for domain names in internationalized script (including diacritical marks) shall be accepted.

3b. Spaces or punctuation that appear in trademark registrations can either be represented in the domain name by a hyphen, or can be disregarded. Similarly, ampersands (&) in the trademark can be disregarded, represented by a hyphen, or represented by the letters "and" (or the equivalent term in the language of the trademark registration, subject to 3a above).

4. The applicant must submit proof of its trademark or service mark to the Registry for verification, as per the proof of trademark guidelines.

## **Names Not Eligible**

Certain domain names have been reserved for use by the government, constitutional bodies, and the Registry. A list of these domain names will be published for public reference on the [www.registry.in](http://www.registry.in) Web site. Applications for these domain names will be rejected.

Applications must conform to general Registry registration policies. For example, domain names shorter than 3 characters or longer than 63 characters are not accepted, nor are domain names that begin or end with hyphens.

Only letters, digits, and hyphens will be accepted in a domain name. No applications for domain names in internationalized script (including diacritical marks) shall be accepted.

## **Application Process**

Applications must be submitted to the registry through an accredited registrar.

Applications will be taken for domains in the following zones:

**.in**  
**co.in**  
**net.in**  
**org.in**  
**gen.in**  
**firm.in**  
**ind.in**

A trademark or service mark holder is allowed to apply for domain names in more than one zone based on the same mark. Applicants must submit separate applications for each unique domain name they are interested in.

The following information must be submitted by the registrar:

- The domain name being applied for
- ASCII character name of the trademark or service mark
- Date the trademark or service mark registration was issued by the Indian Trade Marks Registry
- Trademark Number
- Whether the trademark holder is an Indian registered company or Indian citizen, or whether it is a foreign entity that owns an Indian trademark.
- Contact information, as described at the [www.registry.in](http://www.registry.in) Web site. In the application, the owner of the trademark must be listed as the Registrant. An authorized representative of the trademark owner must be listed as the Administrative contact.

## **Term and Prices**

Sunrise domains that are awarded will be registered for an initial term of five years.

1. Registrars will be assessed an application fee of Rs 150 for each application they submit, assessed to the registrar's deposit account at the time of application.
2. The registrar's account will also be charged for the five-year Create term at the time the award determination is made.
3. All Sunrise fees charged to registrars are non-refundable.

## **Proof of Trademark Guidelines**

Upon application, applicants must send the documentation described below to the Registry for verification. This will assist in the prevention of false applications.

Applicant must provide:

1. A legible photocopy of the trademark certificate via postal mail or courier. This copy must be attested to be a true copy by a notary, magistrate, oath commissioner, gazetted officer, or other party authorized by the competent authority.
2. A notarized affidavit in a form prescribed by the Registry. This will be available on the [www.registry.in](http://www.registry.in) site.
3. A printout of the application confirmation e-mail that the Registry sent to the registrar and the applicant.

A separate copy of the trademark certificate, affidavit, and e-mail printout should be sent for *each and every* domain name applied for.

Original trademark certificates should not be sent to the Registry. The Registry will have no responsibility / liability to return any document sent to it. Scanned electronic copies, printouts from online trademark databases, faxed copies of trademark certificates, etc. will not be accepted.

Trademark documentation should be sent to:

NIXI (National Internet Exchange of India)  
Attention: .IN Sunrise  
612-A, Chiranjiv Tower  
43 Nehru Place  
New Delhi - 110019  
India

Telephone: +91.11.26224.001  
www.nixi.org

The Registry reserves the right to demand any other documents as desired by it from the registrar with whom the applicant has filed his application. .

The deadline for receipt of trademark certificate documentation by the Registry is 17:00 IST (11:30 UTC) on 4 February 2005. Documentation received after that time will be ignored, and applications without documentation will be considered failed.

## **Award Process**

The Registry will examine that the documentation provided supports the application duly supports the application for the Sunrise registration.

Where there are two or more applications for the same domain name, priority will be assigned in the following order.

1. Applications in Queue 1 have priority over applications in Queue 2.
2. The priority of applications in a queue will be assigned based on the applications' timestamp as recorded by the Registry.
3. For each unique domain name applied for, the Registry will perform a facial examination of the first priority application's trademark certificate.
4. If the priority application satisfies all the Sunrise criteria, the Registry will award the domain to the priority applicant.
5. If the priority applicant's trademark does not satisfy all of the Sunrise criteria, that application will be considered failed.
6. The Registry will then examine the trademark of the next priority application for that domain name.
7. This process will repeat until:
  - a. a valid application is found and an award is made, or
  - b. the queues of applications for that domain name are exhausted. If no valid application is received, then the domain name will be made available in open registration.

8. If a registrar has insufficient funds in its account with the Registry to cover the award fee and domain creation, the Registry may at its discretion reject that application and move to the next application for that domain.
9. If the award status of an applied-for domain name has not been determined by the time open registration begins for the general public, the Registry reserves the right to create that domain name in the registry using generic place-holder data. That place-held domain can then be updated by the Registry if an award is made, or deleted and thereby made available in open registration if no award is made.

### **Sunrise Awards; Opening for Real-Time Registrations; Transfers**

Sunrise awards will be announced through the publication of the WHOIS, shortly before open registration begins for the general public on 16 February.

During the Sunrise period, the Registry may (but is not obligated to) post lists of domains that have been applied for.

The Registry may lock domain names (statuses: serverDeleteProhibited, serverUpdateProhibited, serverTransferProhibited, serverRenewProhibited) registered during the Sunrise Period at the registry level for a period of up to 180 days following the end of the Sunrise Period. The only exceptions are for transfers required as a result of: a decision in a .IN Dispute Resolution Process administrative proceeding, or an order from any court of competent jurisdiction. In addition, names subject to one or more pending legal proceeding may not be transferred. Registrants will be allowed to change nameservers on their domains during the lock period.

## **Legal Notices**

**Representations.** By applying to register a Domain Name in accordance with the Sunrise registration conditions of the Registration Agreement, the applicant hereby represents and warrants that:

- (a) the statements that the applicant has made in his Registration Agreement with the registrar are complete and accurate;
- (b) the registration of the Domain Name complies with the Sunrise registration conditions set forth in the Registration Agreement;
- (c) to the applicant's knowledge, the Domain Name will not infringe upon or otherwise violate the rights of any third party;
- (d) you are not registering the Domain Name for an unlawful purpose; and
- (e) the applicant will not knowingly use the Domain Name in violation of any applicable laws or regulations. It is the applicant's responsibility to determine whether the Domain Name registration infringes or violates someone else's rights.

**Cancellations, Transfers, and Changes.** The Registry will cancel, transfer, or otherwise make changes to a domain name registration under the following circumstances:

- a. Receipt of written or appropriate electronic instructions from the registrar, applicant, or their authorized agent to take such action; and/or
- b. Receipt of an order from a court or arbitral tribunal, in each case of competent jurisdiction,

requiring such action.

The Registry may also cancel, transfer or otherwise make changes to a domain name registration in accordance with the terms of the Registration Agreement or other legal requirements.

### **Policy Modifications.**

The Registry reserves the right to modify these Rules at any time. We will post revised Rules at least fifteen (15) days before it becomes effective. In the event that you object to a change in this Policy, your sole remedy is to cancel your Domain Name application or registration with us, provided that you will not be entitled to a refund of any fees you paid to us. The revised Policy will apply to you until you cancel your Domain Name application or registration.

### **Disputes and Errors**

The Registry's award decisions shall be final and are not subject to challenge.

Registrars are wholly responsible for any submission errors or omissions that they make.

After awards are announced, parties will be free to challenge a domain name registrant via the .IN dispute resolution process.