

Sunrise & Landrush Policy

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

The background for the present policy is the orderly, fair and technically organised allocation of .BAYERN Domain Names to individuals and legal persons ("**Applicants**" or "**Registrant**") in accordance with this policy and the other integral parts of the contract. The other integral parts of the contract (also "**Registry Policies**") are:

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

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

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

The following phases are currently planned:

- **Phase 1a: Sunrise period (1 July 2014 – 2 September 2014) at the same time with the Landrush.**
- **Phase 1b: Landrush period (1 July 2014 – 2 September 2014)**
- **Phase 2: Cooling-Off period (3 September 2014 – 29 September 2014)**
- **Phase 3: General availability (from 30 September 2014)**

1. General provisions

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

The following provisions apply to all applications submitted to the Registry during Sunrise and Landrush phases.

2. Parties to the application, application procedure, costs

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

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

3. Trademark Clearinghouse

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

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

4. Trademark Claims Service

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

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

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

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

5. Registry rights

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

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

6. Sunrise Period

- a. The Sunrise Period is a limited-time opportunity for trademark holders who have entered their marks into the Trademark Clearinghouse database (TMCH) and who wish to register Domain Names in the .BAYERN Top Level Domain ("TLD").
- b. The Registry will offer an approximately sixty (60) day End Date Sunrise, where no Domain Names will be allocated to Applicants during the Sunrise period. Applications for Domain Name Registrations received during the Sunrise period will be evaluated during the subsequent Cooling-off period and Domain Names will then be allocated to eligible Applicants based on the criteria contained in this document.
- c. The Sunrise Period will run simultaneously with the Registry's Landrush Period. In the event that multiple applications for an identical Domain Name are received during the Sunrise and / or the Landrush Period, the selection criteria described in section 8 below applies.

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- d. During the Sunrise period, applications for Domain Names are eligible which are identical with marks validated by the TMCH.
Applicants who have validated their mark successfully with TMCH are obliged to forward the corresponding SMD file ("Signed Mark Data") to the Registrar for review of successful validation at TMCH.
If the Applicant meets further requirements of the Registry Policies, and if the validated mark and the desired domain are identical, the application is eligible for registration.
- e. Applications missing a valid SMD File, containing an invalid SMD File or where the application misses other requirements of the Registry Policies will be rejected by the Registry.
- f. At the end of the Sunrise Period, applied-for Domain Names with a single eligible Applicant will be allocated to such Applicant. Domain Names with more than one eligible Applicant will proceed to an auction between the competing Applicants.

7. Landrush Period

- a. The Landrush Period provides an opportunity to Applicants to apply for a Domain Name registration before .BAYERN Domain Names are generally available. While no trademark or other rights are required, this period allows for participants to register a Domain Name if they fulfill the requirements of the Registry Policies, in particular the Domain Name Registration Policy. However, this period is designed to give priority to Registrants who have an address and postcode based in the Freestate of Bavaria. The Registry publishes a list of postal codes fulfilling this requirement on its website.
- b. The Landrush Period is open to all (also Registrants with no Bavarian postcode) but there is a prioritization of applications as laid out below. It shall be noted that all Applicants are required to have an Admin-C with a German address, but an Admin-C in Bavaria would not be sufficient to be prioritized during Landrush Period as the Registrant (Owner) data is decisive.
- c. During the Landrush Period, Registrants are not allowed to use Whois Privacy and/or Proxy Services.
- d. The Landrush Period will run as long as the Sunrise Period – for approximately sixty (60) days, simultaneously with the Registry's Sunrise Period. Domain Names with only a single eligible Applicant will be allocated to such applicant, after Sunrise names have been allocated.
- e. Applications for Domain Name Registrations received during the Landrush Period will be evaluated during the subsequent Cooling-off period and Domain Names will then be allocated to eligible Applicants based on the criteria contained in this document and other Registry Policies.
- f. Where there is more than one application for a name, Domain Names will be allocated according to the following Priority Ranking:
 - 1. Applications from Registrants with a Bavarian postcode in their address.
 - 2. Applications from Registrants with no Bavarian postcode in their address.
- g. The Registry will undertake validation for applications for names where there is more than one application to determine which Priority Ranking applies. Auction will be used to determine who among eligible applicants within the same top priority ranking will be allocated the Domain Name in question.

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- h. The Trademark Claims Service will be provided during Landrush. Also the Trademark Claims Service will run another 90 days when General Availability starts.

8. Cooling-off Period and Allocation

- a. During the Cooling-off period, which follows the Sunrise and Landrush Periods, the Registry will assess whether the applications meet the eligibility criteria for the respective phases. Applications not fulfilling those and which have not been rejected at an earlier stage will be rejected. Eligible applications will be evaluated and prioritized according to the following criteria before Domain Names are allocated based on the following principles:
 - Sunrise applications prevail over Landrush applications.
 - Landrush applications with an Applicant with a postcode in Bavaria exists prevail over Landrush applications where no such address exists.
 - Contention sets of multiple eligible applications are resolved by means of an auction.
- b. This leads to the following Priority Ranking of applications for an identical string:
 1. Where one eligible application was received in the Sunrise Period, the Domain Name will be allocated to the respective Applicant. In case one or multiple eligible applications were also received during the Landrush Period, these will be disregarded.
 2. Where multiple eligible applications were received in the Sunrise Period, the Domain Name will be auctioned amongst those Applicants, who choose to participate in the auction. There is no obligation to participate in an auction. The Domain Name will be allocated to the remaining or prevailing Applicant. In case one or multiple eligible applications were also received during the Landrush Period, these will be disregarded.
 3. Where no eligible applications for a Domain Name were received during the Sunrise Period and one eligible application was received during the Landrush Period, the Domain Name will be allocated to the respective Applicant.
 4. Where no eligible applications for a Domain Name have been received during the Sunrise Period and multiple eligible applications were received during the Landrush Period, the Applicant or Applicants with a postal code in Bavaria prevail over those without such local address. Remaining contention sets will be resolved by means of an auction. There is no obligation to participate in an auction. The Domain Name will be allocated to the remaining or prevailing Applicant.
- c. For auction-eligible Sunrise or Landrush Period Domain Names, Applicants will be notified of the existence of other eligible Applicants by a third-party auction provider, who will conduct an auction to determine which Applicant will be permitted to register the contested Domain Names. Domain Names awarded to eligible single Applicants will be permitted to resolve following conclusion of the Sunrise/Landrush Period. Domain Names awarded to the prevailing party in a Sunrise or Landrush Auction will be permitted to resolve pursuant to the auction rules, which will be made available to involved Applicants before the auction begins.

9. Sunrise Dispute Resolution Policy

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

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

10. General availability

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

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