



## Policy No. 5

### Sunrise Dispute Resolution Policy (SDRP) for <.zuerich>

#### 1. Purpose

This Sunrise Dispute Resolution Policy («**SDRP**») established by the Canton of Zurich (the «**Registry**») is incorporated by reference into the <.zuerich> Sunrise and Limited Registration Period Policy. This Policy complements other applicable policies and may be modified from time to time.

A SDRP complaint may be filed against a <.zuerich> domain name allocated or declined during the <.zuerich> Sunrise Period.

This SDRP describes the process and standards that will be applied to resolve complaints that a domain name has been allocated or declined to be allocated in the <.zuerich> Sunrise Period in violation of the Registry's Sunrise Eligibility Requirements (cf. par. 3.2. of the Sunrise and Limited Registration Period Policy).

This SDRP will not be applied to <.zuerich> domain names reserved by the Registry according to par. 4.1. of the Sunrise and Limited Registration Period Policy.

#### 2. Applicable Disputes

A <.zuerich> domain name allocated or denied allocation during the Sunrise Period will be subject to this SDRP upon submission of a complaint to the Registry by email to <abuse@dotzuerich.ch>.

##### 2.1. Improper Sunrise Period Allocation

A complaint under this section shall be required to demonstrate that a <.zuerich> domain name allocated in the <.zuerich> Top Level Domain («**TLD**») does not comply with the Sunrise Eligibility Requirements (as set forth in par. 3.2. of the Sunrise and Limited Registration Period Policy). Specifically, the complainant must prove at least one of the following elements:

- at the time the challenged domain name was allocated, the registrant did not hold a trademark verified by the Trademark Clearinghouse («**TMCH**»);
- the domain name does not match the trademark record on which the registrant based its Sunrise application;
- at the time the challenged domain name was allocated, the Signed Mark Data («**SMD**»)<sup>1</sup> on which the registrant based its Sunrise application was not valid (e.g. because it had expired).

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<sup>1</sup> In the domain name registration process, the purpose of an SMD file is to show that the Trademark Clearinghouse has verified your mark.



## **2.2. Improper Denial of Sunrise Allocation**

A complaint under this section shall be required to demonstrate that the Registry failed to allocate a <.zuerich> domain name that was applied for in compliance with the Sunrise Eligibility Requirements (as set forth in Section 3.2. of the Sunrise and Limited Registration Period Policy).

## **2.3. SDRP Deadlines**

To pursue the remedies set forth in Section 3.2 below, the complainant must notify the Registry within ten (10) calendar days following the Registry's decision to deny allocation of the domain name of its intention to submit a complaint under this SDRP. Such notice must be made by email to <abuse@dotzuerich.ch>.

Any other complaint brought under this SDRP shall be brought no later than forty-five (45) calendar days after the end of the 60-day Sunrise Period.

## **3. Remedies**

The remedies available to complainants under this SDRP shall be limited to the following:

### **3.1. Improper Sunrise Allocation**

If the domain name is found to be improperly allocated during the Sunrise Period, the following remedies will apply:

- a. If the complainant had submitted a valid Sunrise application for the disputed domain name, the disputed domain name will be registered in favour of the complainant, provided that the complainant has submitted the only valid Sunrise application. If there is more than one valid Sunrise application for the disputed domain name, the dispute resolution process will continue for the remaining Sunrise applications, including that of the complainant.
- b. If no other valid applications have been submitted for the disputed domain name during the Sunrise or the Limited Registration period, the disputed domain name will be cancelled and will be returned to the pool of names available for General Registration in the <.zuerich> TLD.

### **3.2. Improper Denial of Sunrise Allocation**

If the application is found to be improperly denied during the Sunrise Period, the following remedies will apply:

- a. If the disputed domain name has not yet been allocated:
  - i. it will be registered in favour of the complainant, provided that the complainant has submitted the only valid Sunrise application; or
  - ii. if there is more than one valid Sunrise application for the disputed domain name, the dispute resolution process will be initiated or will continue for the remaining valid Sunrise applications, including that of the complainant.
- b. If the disputed domain name has already been allocated to a third party that fulfilled the Sunrise Eligibility Requirements, a dispute resolution process will be initiated, provided that the complainant has submitted its complaint to the Registry in due time (pursuant to Section 2.3. of this SDRP).



#### **4. Procedure**

Complaints submitted under this SDRP will be reviewed and decided by the authority designated by the Registry to resolve corresponding disputes, i.e. the Office for Economy and Labour (*Amt für Wirtschaft und Arbeit; «AWA»*). Any decision by the AWA can be appealed to the Department for Economic Affairs (*Volkswirtschaftsdirektion*) in accordance with the provisions of the Act on Administrative Justice of the Canton of Zurich (*Verwaltungsrechtspflegegesetz, LS 175.2*).