

## Annex 5 – Launch Policy

*This policy (“Launch Policy”) is to be read together with the dotAmsterdam B.V. Terms & Conditions (“General Terms & Conditions”) which apply to each application and maintenance of .amsterdam Top Level Domain (“TLD”) names. Words and phrases used in this policy have the same meaning attributed to them in the General Terms & Conditions unless otherwise specified or unless the context clearly otherwise requires.*

Please note that the dotAmsterdam B.V. (“Registry”) may modify this Launch 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 the Launch 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 any Applicant and/or Registrant.

### Reserved Names

Reserved Names are Domain Names (other than Blocked Names as defined in the General Terms and Conditions) that are not available for registration.

After the Local Government Limited Registration Period (LRP) the Registry may decide to allocate a Reserved Name to an entity or individual of which the Registry is of the opinion (in its sole discretion) that such entity or individual should be entitled to or is properly associated with such Reserved Name and/or have such entity or individual register one or more of the Reserved Domain Names. The Registry shall allocate the Reserved Names as the Registry seems fit to best serve the promotion of the TLD and the .amsterdam community and to best generate income. Any entity or individual that is of the opinion that such purposes are best served by allocating a specific Reserved Name, that is not yet allocated or registered, to them, is hereby invited to express such opinion (as well as its fundamentals) through the form found [here](#). The Registry will consider such opinions as an expression of interest. The Registry, in its sole discretion, might allocate the Reserved Name to such entity or individual. The Registry will not be obliged to notify in any way the respective entities or individuals of its final decision not to allocate the Reserved Name to them, nor shall the Registry be obliged to motivate or substantiate in any way its decision. The Registry’s final decision can always be known through the WHOIS Register.

The requirements of the Trademark Clearinghouse (“TMCH”): <http://www.trademark-clearinghouse.com/content/what-trademark-clearinghouse> (including the Trademark Claims Notice Service as described below) apply to the registration (and if applicable, the allocation) of Reserved Names.

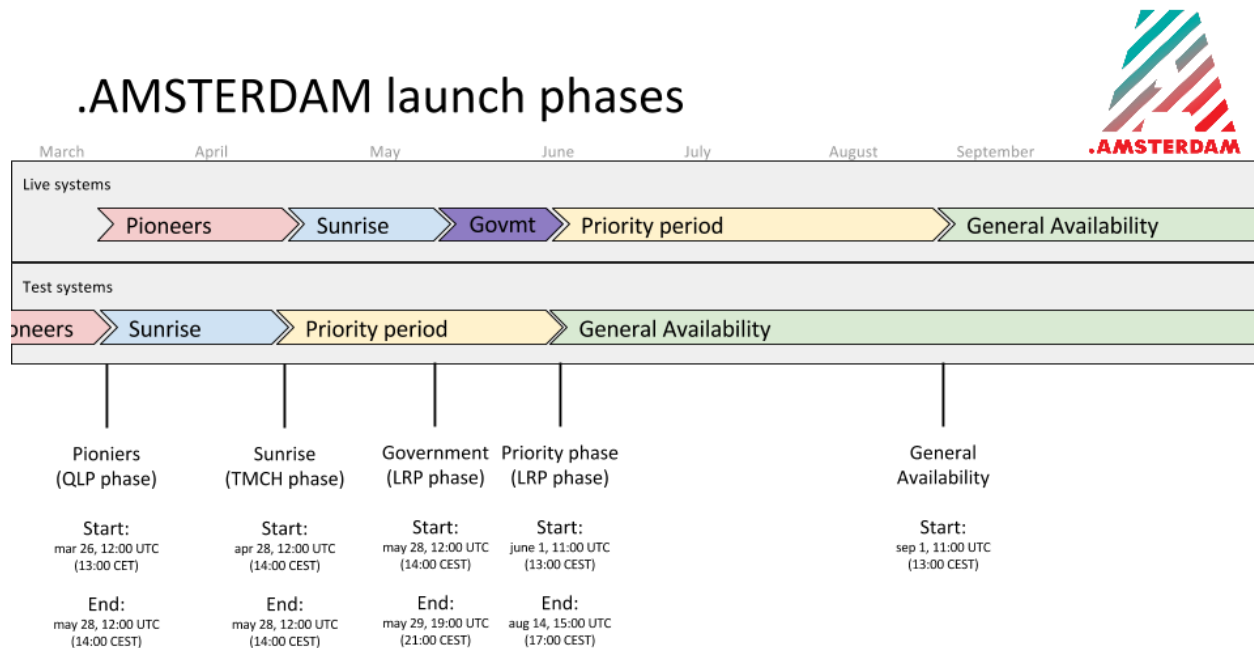
### Trademark Claims Notice Service

The Trademark Claims Notice Service is a service that is offered by the TMCH, and – with respect to the TLD, applies to the Landrush Period and at least for the first 90 days of General Availability. During this timeframe, each Accredited Registrar is required to provide notice to all Applicants and candidate Registrants who attempt to register a Domain Name that matches a trademark record verified by the Trademark Clearinghouse (“Claims Notice”) and the Trademark Clearinghouse will provide Notice of Registered Names (“NORNs”) to the trademark holders.

## Scope and Eligibility

Applications may be submitted in the form provided by registrars for any available Domain Name that has not been reserved, restricted, blocked, registered, awarded, or otherwise allocated prior to commencement of the Sunrise, LRP and Landrush Period. As part of a Domain Name application made during Sunrise, LRP or Landrush, the Registry may request certain information about the Applicant, including without limitation, name, contact information and, as the case may be, proof of the prior right invoked by the candidate registrant.

In order to be eligible to register Domain Names within the TLD during Sunrise, LRP or Landrush, the Domain Name must be identified, a complete application must be submitted, including where applicable the SMD file, and corresponding fees paid by the candidate registrant's registrar to the Registry within a specific timeframe.



## Qualified Launch Programme (QLP)

Up to 100 Domain Names will be allocated by the Registry under the QLP ("the Pioneer Domain Names"). The QLP is operated under Section 3.2 of Specification 5 to the Registry Agreement and in conformity with the ICANN TMCH Requirements Qualified Launch Program Addendum.

The Registry shall in its sole discretion allocate to an entity or individual one or more of the Pioneer Domain Names to serve the purpose of promoting or operating the TLD before, during or after the Sunrise- and/or Landrush Period and/or have such entity or individual register one or more of the Pioneer Domain Names, except in the event that, at the time Registry seeks to allocate or register a Pioneer Name, the Pioneer Name matches a label contained in the list provided to Registry Operator by the TMCH Sunrise and Claims Provider containing the labels attributable to trademark holders who have entered their marks into the TMCH ("Sunrise-Eligible Rights Holders"). In such event such Pioneer Name may only be allocated or registered to an entity or individual as follows:

1. To a party who is a Sunrise-Eligible Rights Holder with a valid SMD file for a label that matches the Pioneer Name; or
2. To a party who is an international, national, regional, local or municipal governmental authority (a “Public Authority”) and such Pioneer Name is either identical to, or translation or a transliteration of, (i) the name or acronym of such Public Authority, (ii) the name of a building, park, monument, airport or other public place operated by such Public Authority, (iii) the name of a region, city, street, district or other geographic area under the governance of such Public Authority, or (iv) the name of a recognized public service provided by such Public Authority.

Any entity or individual that is of the opinion that the purposes of promoting or operating the TLD are best served by allocating a specific Pioneer Name, that is not yet allocated or registered, to them, is hereby invited to express such opinion (as well as its fundamentals) through the form found [here](#). The Registry will consider such opinions as an expression of interest. The Registry, in its sole discretion, might allocate the Pioneer Name to such entity or individual. The Registry will not be obliged to notify in any way the respective entities or individuals of its final decision not to allocate the Pioneer Name to them, nor shall the Registry be obliged to motivate or substantiate in any way its decision. The Registry’s final decision can always be known through the WHOIS Register.

### **Sunrise Overview**

*April 28th 2015, 12:00 UTC – May 28th 2015, 12:00 UTC*

Sunrise is a limited-time opportunity where only Sunrise-Eligible Rights Holders who wish to register Domain Names in the TLD may apply.

The Sunrise of the TLD is a Start Date Sunrise. Sunrise will run between *April 28th 2015, 12:00 UTC and May 28th 2015, 12:00 UTC*. SMD Files have to be submitted within this period in order to qualify. Sunrise applications are verified by the Registry against the TMCH. Sunrise applications missing a valid SMD File or containing an invalid SMD File will be rejected by the Registry.

Applications by Sunrise eligible Applicants are processed on a first-come-first-served basis.

### **Local Government Limited Registration Period (LRP) Overview**

*May 28th 2015, 12:00 UTC – May 29st 2015,19:00 UTC*

The Local Government Limited Registration Period (LRP) is a limited-time opportunity for the municipal government and other public bodies (“the Local Government”) within the city of Amsterdam who wish to register Domain Names in the TLD.

The Local Government can register terms and/or names that describe their organizations, departments, offices, or agencies, and including their official abbreviation, or customary shortened form or other names or terms that are commonly used to identify or describe them, as well as such names translated into English and into other languages as well as the names of the places (e.g. streets and boroughs) in Amsterdam.

## Landrush Period Overview

June 1st 2015, 11:00 UTC – August 14th 2015, 15:00 UTC

The Landrush Period is a limited-time opportunity running for seventy-five (75) days, following the Local Government Limited Registration Period.

Applications are open to anyone for any available name as an expression of interest, but in cases where there is more than one application for the same name by more than one Applicant (“a Multiple Application”), priority will be given to institutions, businesses and individuals based in Amsterdam in the following hierarchical order:

### Priority Ranking Schedule

- 1) **Names of public bodies and not-for-profit institutions that perform public tasks** (with Priority Ranking given to Applicants with an address within the City of Amsterdam)
- 2) **Names of trademarks or trade names valid in the Netherlands** (with Priority Ranking given to Applicants with an address within the City of Amsterdam)
- 3) **Names of geographical place and area names within in the City of Amsterdam** applied for by public bodies, not-for-profit institutions, trade associations that serve or represent such geographical places and areas
- 4) **Personal names of natural persons with an address within the City of Amsterdam**

\* In cases of Multiple Applications outside of the scope of the above 4 (four) Priority Ranking categories, Priority Ranking will also be given to Applicants with a valid address within the City of Amsterdam. For the avoidance of doubt, such Priority Ranking will be subordinate to applications with validated Priority Ranking in within the scope of the above 4 (four) categories.

\* In cases of Multiple Applications with the same highest Priority Ranking, Applicants for such names will be invited to participate in a monetary auction to bid to register such Domain Name. The auction shall be provided by a third party auction provider. Rules defined by such auction provider will apply. Applicants are not obliged to participate in an auction; instead, they may choose to withdraw from the application. The outcome of any auction shall be deemed final and binding upon the parties.

The Registry has contracted with a third party, Valideus Ltd.: <https://valideus.com/services/validation-services>, who, with its partner Novagraaf B.V.: <http://www.novagraaf.com/en/branches/netherlands> (collectively, the “Validator”), will undertake the validation of Multiple Applications to determine their eligibility for Priority Ranking.

The Registry reserves the right to ask Applicants or Registrants, either directly or through the Validator, for additional information regarding their application or Priority Ranking, if the Registry suspects any such information to be incomplete or incorrect.

## Matching Rules

Domain Name applications will be assigned a Priority Ranking on the basis of the Applicant's rights in or in association with the underlying name or term. In order to qualify for Priority Ranking, the Domain Name applied for and the Applicant must match the underlying name or term and its owner. The Validator will check whether this condition is satisfied based on the Matching Rules and make a determination in its sole discretion.

The Matching Rules are as follows:

- The Domain Name applied for must include the distinctive element of the Applicant's underlying name or term. For example, if the underlying name or term is a trademark for "ABC shoes", the domain name "abc.amsterdam" may **qualify** for Priority Ranking but "shoes.amsterdam" **would not**.
- Applicants cannot seek Priority Ranking on the basis of an underlying name or term with a view to or that the outcome of which would be the registration of a Domain Name that is wholly generic, descriptive or is a category name e.g. "hotel.amsterdam", "cafe.amsterdam", "tours.amsterdam", "taxi.amsterdam".
- The name of the Applicant must match the owner of the underlying name. For example, an Applicant claiming Priority Ranking on the basis of the name of a Public Body must be the Public Body itself or its authorized representative. If the Applicant is an authorized representative of the Public Body, the Applicant must provide documentary evidence confirming that the Public Body consents to the Applicant making the application and having the Domain Name registered to it.
- Company identifiers (e.g. N.V., B.V., C.V., V.O.F etc.) may be omitted from the Domain Name.
- Articles such as "the", "of" and "a" or their equivalents in Dutch or other languages may be omitted from the Domain Name.
- If the underlying name or term contains wording that matches exactly with the top level suffix, "Amsterdam", that wording may be omitted from the Domain Name provided that the remaining text is not wholly generic, not descriptive nor a category term. For example, an application based on a trademark in the term "Amsterdam Hotel" does not qualify for priority for "hotel.amsterdam" as the remaining term "hotel" is generic and a category name.
- Characters "@" and "&" may additionally be spelled out with their equivalent words in Dutch, English or languages.

If the Domain Name applied for includes letters like "á", "é", "í", "ó", "ú", "ü" "ñ", the applicant may change such characters in the name to the corresponding letters like "a", "e", "i", "o", "u", or "n", or the conventionally accepted spelling (e.g. "ae", etc.). As a domain name cannot contain spaces or special characters (such as, but not limited to: ".", "@", "&", "\$", "#", "%", "!", ":", "\*", "+"), these characters may be either (i) omitted; or (ii) replaced by hyphens by the applicant.

## Eligibility Requirements for each Priority Ranking Category

### Priority Ranking 1:

**Names of public bodies and not-for-profit institutions that perform public tasks (e.g. universities, public schools, theaters and orchestras)**

An application based on the **name of a public body or not-for-profit institution** that performs public tasks must meet the following requirements:

- The public body or not-for-profit institution must perform public tasks that are mainly publicly financed; **and**
- The Domain Name applied for must correspond to the full name, official abbreviation, customary shortened form or other names that are commonly used to identify the public body or not-for-profit institution or describe its organizations, departments, offices or agencies

### **Information Required for Validation**

For the purposes of validation of the **name of a public body or not-for-profit institution**, the applicant must submit the following information via the Validator's online system (the "Validation System"):

- a) Full name of public body or not-for-profit institution
- b) Address of public body or not-for-profit institution
- c) Description of the public task that the public body or not-for-profit institution performs
- d) Copy of or reference to act or official decision or decree confirming establishment of the entity or confirming/allowing the creation of the entity under the Domain Name applied for or other proof of its association with the Domain Name applied for e.g. a copy of an official document bearing a stamp or seal of the public body or not-for-profit institution e.g. an official letterhead with a clear explanation of its entitlement to and association with the Domain Name applied for

### **Priority Ranking 2: Registered trademarks and trade names valid in the Netherlands**

An application based on a **registered trademark** must meet the following requirements:

- The trademark must be registered with the Benelux Office for Intellectual Property (BOIP) or is a registered (European) Community trademark or an International trademark with validity in the Netherlands;
- The trademark registration must be valid at the time of the Domain Name application (trademarks that have been applied for, trademarks that are under examination of absolute grounds or under opposition, or trademarks for which the registration has lapsed including trademarks that are in the grace period, are not eligible); **and**
- The Domain Name applied for must correspond to the full text of the Registered Trademark, its clear variations or abbreviations

An application based on a **trade name** must meet the following requirements:

- The trade name must be a name that an entity uses in the course of its trade or operations to identify and distinguish itself (generic terms that are descriptive of an entity's goods or services generally do not qualify as a trade name);
- The trade name must be used in the Netherlands before the domain name application; **and**
- The domain name must correspond to the full text of the trade name, its clear variations or abbreviations

### Information Required for Validation

For the purposes of validation of a **registered trademark**, the applicant must submit the following information via the Validation System:

- a) Name of the trademark
- b) Registration number
- c) Date of registration
- d) Jurisdiction of registration (Benelux/European Community/International trademark with validity in the Netherlands)
- e) Registered owner of the trademark, or documentary evidence confirming that the applicant is authorized by the registered owner of the trade mark to make the application and have the domain name registered to it
- f) Address of the registered owner of the Trademark

For the purposes of validation of a **trade name**, the applicant must submit the following information via the Validation System:

- a) Full trade name
- b) Name and address of the owner of the trade name
- c) Documentary evidence showing use of the name in the Netherlands. The evidence must contain the full name in a clear, stand-alone format, and could be one or more of the following:
  - i. Dated advertising and marketing materials (e.g. brochures, pamphlets, catalogues, product manuals, displays or signage, press releases, screen shots, social media marketing materials etc.)
  - ii. Links to websites, screen shots from websites
  - iii. Headed and dated stationary, receipts, invoices
  - iv. Dated photographs or scans of product labels, tags or containers

### Priority Ranking 3: Names of geographical place and area names within in the City of Amsterdam

An application based on a **geographical or area place name within in the City of Amsterdam** must meet the following requirements:

- The Domain Name must be applied for by a public body, not-for-profit institution or trade association that serves or represents such geographical places or area within the city of Amsterdam (e.g. an association of shopkeepers in a specific Amsterdam street or an association of market traders in a defined area) ; **and**
- The Domain Name applied for must contain the full name or the dominant and distinctive part of the name of the geographical place or area (e.g. street, district, etc.) the applicant represents

### Information Required for Validation

For the purposes of validation of a **geographical or area place name within in the City of Amsterdam**, the applicant must submit the following information via the Validation System:

- a. Full name of the public body, not-for-profit institution or trade association
- b. Name of the geographical place or area the public body, not-for-profit institution or trade association serves or represents
- c. A copy of an official document bearing a stamp or seal of public body, not-for-profit institution or trade association e.g. an official letterhead
- d. Description of the task that the public body or not-for-profit institution performs
- e. Copy of or reference to act or official decision or decree confirming establishment of the entity or confirming/allowing the creation of the entity under the Domain Name applied for or other proof of its association with the Domain Name applied for e.g. a copy of an official document bearing a stamp or seal of the public body, not-for-profit institution or trade association e.g. an official letterhead with a clear explanation of its entitlement to and association with the Domain Name applied for

#### **Priority 4: Personal names of natural persons with an address within the City of Amsterdam**

An application based on a **personal name** must meet the following requirements:

- The Amsterdam Address provided must be the residential address of the applicant or another address registered to them; **and**
- The Domain Name applied for must match the applicant's full legal name, or one or more of their forenames in combination with their surname. For example, Pieter Jan Visser would be entitled to priority to the domain names:

PieterJanVisser.amsterdam      PieterVisser.amsterdam      JanVisser.amsterdam

However, the following would not qualify for Priority Ranking:

Pieter.amsterdam                  PieterJan.amsterdam      Visser.amsterdam

#### **Information for Validation**

For the purposes of validation of **personal names**, the applicant must submit the following information via the Validation System:

- a. Full name of the Applicant
- b. Amsterdam address
- c. A copy of any one or more of the following documents, proving the name and the address within the City of Amsterdam:
  - Current and valid ID card
  - Driving licence
  - Birth certificate
  - Residence permit showing full name and current address
  - Other official certificate that provides evidence of the legal name (e.g. marriage certificates)
  - Utility bill



## Validation Process

Applications claiming Priority Ranking will be subject to validation as described in this section.

Domain Name applications submitted to the Validator will be considered a final submission. Other than providing additional information at the request of the Validator, applicants will not be entitled to amend or modify a Domain Name application.

The Validator may require additional documentation, and/or evidence from applicants to complete the Validation Process. Information, evidence and documentation submitted by an Applicant must meet the following standards:

- a. Submitted as an electronic file with maximum size of 10 MB
- b. Up to 5 items can be uploaded
- c. Materials must not be retouched or otherwise altered

The Validation Process will be conducted in the following manner:

- i. Applicants submit Domain Name applications through a registrar during Landrush.
- ii. The Validator contacts all Applicants who have applied for a Domain Name that is a Multiple Application via the email address provided in their application with an invitation to login to the Validation System and select an applicable Priority Ranking and provide the respective supporting information required under this Policy. The email states the date by which Applicants must login and submit the supporting information. This date will be 15 calendar days after an Applicant receives the email from the Validator. Applicants will receive an email reminder 5 calendar days before the 15 calendar day window ends.
- iii. Applicants must log in to the Validation System and enter their supporting information and upload relevant supporting documentary proof. Applicants are able to save their applications and return to the Validation System later within the 15 calendar day window.
- iv. The Validator checks compliance of the applications with this Policy and advises Applicants of the outcome of any Priority Ranking claimed or otherwise found to be applicable by the Validator. If there are omissions or missing information, the Validator will notify applicants via email requesting additional information. Applicants have 7 calendar days from the date of the email to respond and provide the additional information.
- v. If the Validator concludes that an Applicant is not eligible for any Priority Ranking claimed, the Applicant has the opportunity to appeal the decision for an appeal fee payable to the Validator. The request for an appeal must be made to the Validator within 5 days of the Validator communicating the decision via email. The request for an appeal should be made via the Validation System. Upon submission of an appeal, the Validator will conduct an internal review of the decision. If the Validator is still not able to confirm the claimed priority, the appeal will be referred to an independent Netherlands-based IP lawyer for a final decision. If, at any point, the original validation result is overturned and the Applicant is found to be successful, the appeal fee will be refunded to the applicant.

## **Representations and Warranties**

All Applicants represent and warrant that the information they are providing is true and correct, and have the authority to submit an application for their desired domain name. Providing false information at any time during the application or validation process may lead to cancellation of an application or the suspension of the domain name by the Registry or by the Validator. The Registry or the Validator may cancel or suspend an application for or registration of a Domain Name in such circumstances at their reasonable discretion.

## **Limitation of Liability Regarding Validation of Applications for made in the Landrush Period**

To the maximum extent allowed under the law of the Netherlands, neither the Registry nor the Validator shall be liable for any indirect, consequential or incidental damages or loss of profits, whether contractual, or otherwise arising, resulting from or related to registration, validation or use of a Domain Name or to the use of the Registry's or the Validator's systems or web site, including but not limited to decisions taken by the Registry to register or not to register a domain name on the basis of the findings of the Validator, as well as the consequences of those decisions. Nothing in this Policy should be taken as limiting the Registry's or the Validator's liability in relation to death or personal injury caused by the Registry's or the Validator's negligence, nor for any liability due to fraudulent misrepresentation.

To the extent allowed under the law of the Netherlands, aggregate liability for damages shall in any case be limited to the amounts paid to the Registry in relation to the application concerned (for the avoidance of doubt, excluding additional fees paid by the applicant to the registrar or reseller, the Validator and/or auction fees). The Applicant agrees that no greater or other damages may be claimed from the Registry or Validator (such as, but not limited to, any fees payable or paid by the Applicant in the context of any proceedings initiated against a decision by the Registry to register or not to register a domain name).

Applicants and Domain Name holders shall indemnify and hold harmless the Registry and the Validator from claims filed or disputes initiated by third parties, and shall indemnify and compensate the Registry and the Validator for any costs or expenses incurred or damages for which they may be held liable as a result of third parties taking action against them, on the grounds that the application for or the registration or use of the Domain Name by the Applicant infringes the rights of a third party or that any of the documentary evidence is defamatory or discloses the confidential information of any third party.

For the purposes of this section, the exclusions of liability and indemnity benefiting the Registry and the Validator shall also apply to their respective agents, members, directors, employees and/or subcontractors.

## **General Availability**

*September 1st 2015, 11:00 UTC*

Ongoing general registration period commencing after the launch phases during which available Domain Names can be registered by any individual or entity on a first-come, first-served basis.

