

 DOT.ASIA ORGANISATION	Date:	14-June-2013
	Status:	DRAFT
	Version:	1.0
.ASIA Registry Policies Document		
Title:	One- & Two- ASCII Character .ASIA Release Policies	
Archive URL:	http://dot.asia/draft/DotAsia-1&2-ReleasePolicies-DRAFT--2013-06-14.pdf	
Comments:	startup-comments@dot.asia	
References:	<ASCII>.ASIA Sunrise Policies (http://www.dot.asia/policies/DotAsia-Sunrise-Policies--COMPLETE-2007-08-10.pdf)	
Executive Summary		

This document sets out the release and allocation policies for One- & Two- ASCII Character domain name registrations in the .ASIA Registry in accordance to the ICANN Registry Operator Agreement Amendment (<http://url>). Similar to the original ASCII .ASIA Sunrise and Landrush processes, the One (1) & Two (2) ASCII Character .ASIA Release process will be conducted in a multi-phased approach to ensure an orderly and equitable allocation of domains:

1. **Pioneer Domains Phase:** DotAsia will openly invite potential .ASIA registrants to submit proposals, explaining how they would use and promote a particular One- & Two- ASCII Character .ASIA domain name. Applicants satisfying the requirements for Community Pioneers, Global Brand Pioneers and Social Pioneers, in the original ASCII Pioneer Domains Program (<http://pioneer.domains.asia/ascii/policies.html>) are eligible. Each proposal will require an application fee and prior acknowledgment and acceptance of relevant terms and conditions, as well as be subjected to a Pioneer Challenge Process.
2. **Sunrise Phase:** One Sunrise phase will be conducted. Trademark holders satisfying the requirements for Sunrise 2a & 2b from the original ASCII .ASIA Sunrise process (<http://registry.asia/policies/DotAsia-Sunrise-Policies--COMPLETE-2007-08-10.pdf>) are eligible. Domain names with only one successfully verified application will be delegated to the applicant. For domain names with more than one successfully verified applications, an auction for the domain will be held between the successfully verified applicants.
3. **Landrush Phase:** For One- & Two- ASCII Character .ASIA domains not allocated during the Pioneer Domains and Sunrise Phases, a Landrush process similar to the original .ASIA Landrush process in 2007/2008 will be conducted. For domain names receiving more than one application an auction will be held between the applicants.
4. **Public Auctions Phase:** Public auctions will be held for domains not allocated after Landrush.

The One- & Two- ASCII Character .ASIA Release policies are intended to provide an equitable, orderly, transparent and logical process for the launching and management of One- & Two- ASCII Character registrations under the .ASIA Registry. It takes into consideration the prior rights of stakeholders in the community. These policies have been designed to deter abusive registrations while balancing the interests of legitimate prior rights owners. Nevertheless, the .ASIA Registry does not guarantee that all interests will be perfectly addressed. It must be emphasised that any decision in the One- & Two- ASCII Character .ASIA Release process is not a reflection of the validity of any prior right claimed. No applicants are debarred from asserting

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or enforcing its rights to a domain against another Registered Domain Holder through the ICANN Uniform Dispute Resolution Policy or other competent tribunal.

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Discussion

1 Introduction

These One- & Two- ASCII Character .ASIA Release Policies provides for the introduction of One- & Two- ASCII Character .ASIA registrations under the .ASIA TLD in an orderly and equitable manner. Its purpose is to give reasonable protection and priority to stakeholders and certain prior rights holders, as well as to deter abusive and bad faith registrations. The .ASIA IDN Sunrise policies are also designed to facilitate reliability for ICANN Accredited Registrars and the DotAsia Community and fair competition amongst registrants. It is intended to create a stable and effective launch and registration process for the benefit of various stakeholders and the Internet community at large.

These One- & Two- ASCII Character .ASIA Policies are based on the Amendment No. 3 to the .ASIA Registry Agreement with ICANN (<http://www.icann.org/en/about/agreements/registries/asia/amendment-3-29feb12-en.htm>) and the Registry Services Evaluation Process (RSEP) proposal (<http://www.icann.org/en/resources/registries/rsep/dotasia-request-09aug11-en.pdf>) submitted and approved by ICANN (<http://www.icann.org/en/resources/registries/rsep/valente-to-chiao-29feb12-en.pdf>).

According to the ICANN Agreement Amendment:

B. Additional Second-Level Reservations. In addition, the following names shall be reserved at the second level:

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All single-character labels. The Registry Operator may release these reservations based on its implementation of measures generally consistent with the Start-Up Plan (Part 4 of Appendix S).

All two-character labels shall be initially reserved. The Registry Operator may release these reservations based on its implementation of measures generally consistent with the Start-Up Plan (Part 4 of Appendix S), including to avoid confusion with the corresponding country codes (ISO 3166 2-character codes).

This document describes the specific measures for the release of One- & Two- ASCII Character .ASIA domains.

1.1 Scope & Documentation

This document sets out the One- & Two- ASCII Character .ASIA Release policies for the .ASIA Registry only.

- Specific dates of the different Sunrise phases are not included herein. Those will be provided on the registry website in due course.
- Information about charter eligibility requirements are provided in the Charter Eligibility Requirement Policy document (<http://url>).
- Detailed technical implementation and specifications for the registry will be provided to Accredited Registrars separately.

Sections 2 and 3 contain details on the criteria and process for Pioneer Domains Phase and Sunrise Phase respectively, while Section 4 describes the Landrush and General Release Phases. Section 5 contains miscellaneous policies about the obligations, liabilities and other terms and conditions of the One- & Two- ASCII Character .ASIA Release process.

A Glossary of the terms used in this policy document can be found at the end of this document.

1.2 Governmental Reserved Names

This document updates the .ASIA Reserved Names Policies (<http://dot.asia/policies/DotAsia-Reserved-Names--COMPLETE-2007-08-10.pdf>), providing for the release of One- & Two- ASCII Character .ASIA according to those policies (Section 2.):

Single character domains will initially be reserved until such policy for releasing them is developed, and consent from ICANN is obtained. Two-character domains, except for those that represent a TLD or those that are reserved further under Geographic and Geopolitical Names, will also be reserved until such policy for releasing them is developed, and consent from ICANN is obtained.

Further, as according to the .ASIA Reserved Names Policies, Two-Character ASCII strings representing country codes in the DotAsia Community continues to remain as Tier 1 Governmental Reserved Names requiring consent from the respective authorities for registration:

Tier 1: Exclusively Reserved – Governmental Reserved Names

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Tier 1 names are exclusively reserved and can only be activated by the corresponding government, public body or appropriate parties with the acknowledgement of the corresponding Governmental Acknowledgement Reference (GACKREF). Should the name lapse or be deleted after it is activated, it will be re-entered into the Reserved Names List and will not be generally available to registrants. Non-activated names will continue to be reserved.

Tier 1 is designed for Country / Economy Names and their established variants (including acronyms and different common expressions for a country or economy name).

2 Pioneer Domains Phase

The Pioneer Domains Phase for One- & Two- ASCII Character .ASIA is similar to the original Pioneer Domains Program (<http://pioneer.domains.asia/ascii/policies.html>) for the .ASIA launch in 2007, and is designed to attract the commitment by registrants to develop services and content with .ASIA domain names.

All eligible applicants for Community Pioneer (<http://pioneer.domains.asia/ascii/community.html>), Global Brand Pioneer (<http://pioneer.domains.asia/ascii/globalbrand.html>) and Social Pioneer (<http://pioneer.domains.asia/ascii/social.html>), may apply for One- & Two- ASCII Character .ASIA domains in the Pioneer Domains Phase under the same terms and conditions as laid out in the original Pioneer Domains Program, including the Pioneer Challenge Process (<http://pioneer.domains.asia/ascii/challenge.html>) and the Pioneer Contract (<http://pioneer.domains.asia/ascii/contract.html>).

Dates, including application deadline and challenge processes will be separately announced for the One- & Two- ASCII Character .ASIA Pioneer Domains Phase.

2.1 Measures for Protecting the Rights of Others

In order to uphold the rigorous measures for protecting the rights of others, a comprehensive Challenge Process will be setup for intellectual property rights owners to challenge selected proposals for Pioneer Domains that may appear to infringe upon the rights of its registered marks.

Applicants are reminded that it is their responsibility to ensure that their applications do not infringe upon the rights of others. Even when an application is selected by the Pioneers Commission, it is still subject to the Challenge Process described below. Furthermore, the selection of an application or allocation of a domain name to any Applicant does not represent the endorsement of DotAsia that the Applicant will be exempt from or will prevail in any dispute resolution process, including but not limited to the UDRP (Uniform Dispute Resolution Policy) or the ruling of competent jurisdictions.

More specifically, domain names allocated through the Pioneer Domains Program is still subject to the UDRP regardless of whether or not a Challenge Process was ensued and what result was arrived at.

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2.2 Evaluation Process

DotAsia will evaluate the quality of the proposals, capabilities of the Applicant as well as the appropriateness and direction of the subject matter to determine the allocation of the proposed .ASIA Pioneer Domains. Domains that are unallocated, and are not otherwise reserved based on the .ASIA Reserved Names Policies, will be released and become available for Sunrise and subsequent Release phases. One or more evaluation panels will be formed and appointed by DotAsia, and collectively known as the Pioneers Commission. The Pioneers Commission is primarily tasked to evaluate Proposals received to determine whether they meet the objectives of the Pioneer Domains Program.

2.3 Sole Discretion of Selection

DotAsia is not obligated to enter into a contract with any Applicant, including any Selected Applicant. DotAsia is not liable for any costs incurred by any Applicant, Selected Applicant and/or Authorized Applicant in the preparation and submission of Proposals, in the course of contract negotiation, or otherwise in connection with the Pioneer Domains Program.

Without limitation, DotAsia reserves the right to:

- Select or accept any Proposal in its sole discretion;
- Reject, decline or not accept any and all Proposals for any reason, with or without explanation;
- Request additional information or clarification from an Applicant regarding any Proposal;
- Conduct investigative assessment of the Applicant's representations in a Proposal;
- Grant or not grant Financial Assistance Consideration to any Applicant for any reason, with or without explanation;
- Rescind the Selection of a Proposal for any reason, with or without explanation;
- Cancel or rerun the Pioneer Domains Program;
- Remedy technical errors in these policies or in the Pioneer Domains Program;
- Approve or disapprove the use of particular contractors or subcontractors by an Applicant;
- Negotiate with any, all, or none of the Applicants, including before an Applicant is deemed to be a Selected Applicant;
- Waive, in its sole discretion, any requirements of this Pioneer Domains Program Policies and/or consider Proposals that do not conform to the Requirements;
- Enter into an agreement with another Applicant if the Selected Applicant first chosen by DotAsia fails to execute a Pioneer Contract with DotAsia; and/or,
- Cancel, suspend or re-appropriate the Offered Domain and release the domain or allocate it to another Applicant should the representations made in the original Selected Applicant's Proposal not be met or were found to be false. Such provisions will be further set forth within the Pioneer Contract.

3 Sunrise Phase

Conceptually, all applicants with eligible marks based on Sunrise 2a (Section 3.4) and 2b (Section 3.5) of the original ASCII .ASIA Sunrise (<http://registry.asia/policies/DotAsia-Sunrise-Policies--COMPLETE-2007-08-10.pdf>) are also eligible for this Sunrise Phase for One- & Two-ASCII Character .ASIA domains.

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Specifically, the requirements for applying through the Sunrise Phase is:

- Applicants must meet the Charter Eligibility Requirement;
- Applicants must hold the right to a valid Registered Mark. The registration records held by the relevant trademark offices or trademark registry must show that an applicant's Registrant Contact is the owner or co-owner of the Registered Mark, OR, the Registrant Contact must be an assignee of the Registered Mark.
- The Registered Mark must be registered in a trademark office or trademark registry that corresponds to one of the localities described by the WIPO Standard ST.3 code.
- The Registered Mark for which the applicant is seeking a domain name must be applied for before [CUTOFF DATE]¹.
- The Registered Mark must be issued and valid as of the submission of the application;
- Submitted information must correspond to the registration records held by the trademark office or trademark registry at which the mark is registered (and used to make the declaration for the application).

Domains with at least one successful application in the Sunrise Phase will be removed from the pool of available domain names for subsequent phases.

3.1 Eligible Text String for the Domain Name Applied For

The Domain Name Applied For must be an Exact Match or an Acceptable Match with the Registered Mark claimed by the Applicant. The Domain Name Applied For must be identical to the textual or word element of the Registered Mark. Further, for Registered Marks that include words, devices, pictures, logos etc, the Domain Name Applied For must be the text or word exclusively contained and in its entirety in the Registered Mark. That text or word must be predominant and can be clearly separated or distinguished from the device element.

Acceptable matches include exceptions as laid out in the corresponding sections in the original ASCII .ASIA Sunrise process (<http://registry.asia/policies/DotAsia-Sunrise-Policies--COMPLETE-2007-08-10.pdf>):

- Section 3.3.1: Exceptions for Spaces, Punctuations and Special Characters
- Section 3.3.2: Exceptions for Accented and Combined Characters
- Section 3.3.3: Exceptions for Registered Mark Type or Entity Type Identifiers

The .ASIA Registry recognises that after the omission of punctuation marks, the resulting Acceptable Match may entitle more than one applicant to the same domain. For example, "A&B", and "A*B" each have an entitlement to "AB.asia" as an Acceptable Match. In such an event, provided that all applicants pass the verification process successfully, they will all be invited to take part in the process as set out in Section 3.3 below.

¹ The CUTOFF Date will be set as the date the ICANN Agreement Amendment was approved: February 29, 2012.

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The appropriateness of all such omissions will be determined by the Verification Agent with additional information sought from the Applicant should there be any questions regarding the appropriateness of the omission.

3.2 Verification, Amendment, Reconsideration & Challenge Processes

All Sunrise Applications are subjected to the verification process. It is important to emphasize that any decision in the Sunrise process by the .ASIA Registry or the Verification Agent is not a reflection of the validity of any prior right claimed. No applicants are debarred from asserting or enforcing its rights to a domain against another Registered Domain Holder through the ICANN Uniform Dispute Resolution Policy or other competent tribunal.

The Amendment (Section 3.7.1), Reconsideration (Section 3.7.2) Processes will follow the corresponding processes outlined in the corresponding sections in the original ASCII .ASIA Sunrise process (<http://registry.asia/policies/DotAsia-Sunrise-Policies--COMPLETE-2007-08-10.pdf>):

A mandatory administrative Sunrise Challenge Process will be established. Proceedings under the Uniform Domain Name Dispute Resolution Policy (UDRP) shall not be brought against a Domain Name, as long as such Domain Name is, or can be, subject to a challenge under the Sunrise Challenge Process.

Details of the Sunrise Challenge Process will be published on the Registry website in due course. The Sunrise Challenge Process will be similar to the original ASCII .ASIA Sunrise Challenge Process.

3.3 Processing of Sunrise Applications

During Sunrise, multiple applications to a domain name will be permitted. All applications received within the particular time period will be considered to be received at the same time. Domains with only one application will be allocated to that applicant, provided they meet the requirements. For domains with more than one conformant applicant, all conformant applicants will be invited to bid for the Domain Name Applied For in accordance with the Auction process. The Auction process will be similar to the corresponding sections of the IDN .ASIA Sunrise Policies (<http://registry.asia/policies/DotAsia-Sunrise-Policies--COMPLETE-2007-08-10.pdf>):

- Section 5.2.3: Eligibility of Bidders
- Section 5.2.4: General Form of Auction
- Section 5.2.5: Allocation of Domain Names
- Section 5.2.6: Process for Abandoned Auctions or Invalidated Auctions
- Section 5.2.7: Disqualifications Due to Non-Payment
- Section 5.2.8: Measures to Address Potential Conflict of Interest with Service Providers

All Sunrise applications are subject to a verification process. Applications must conform to the requirements as set out above. By the submission of an Application, the Applicant expressly represents, warrants and certifies that all information in its application, including contact information and bibliographical data set forth in the application, are current, complete, reliable,

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and accurate. All Sunrise (IPR) information will be viewable in the public WHOIS only when a domain is allocated to an applicant.

4 Landrush Phase & General Release

4.1 Landrush

Domains with at least one successfully verified applicant from Sunrise will not be available in Landrush.

Multiple Applications to a domain name are accepted in Landrush. Domains with only one Application will be allocated to that applicant, provided they meet the Charter Eligibility requirements. For domains with more than one Application, all eligible applicants will be invited to bid for the Domain Name Applied For in accordance with the Auction process.

The same auction process as described in Section 3.3 above will be followed for Landrush Applications, except that no verifications will be conducted and information about other Applicants for the same domain name will not be distributed prior to the commencement of the auction.

4.2 General Release

As per Amendment No. 3 to the .ASIA Registry Agreement with ICANN (<http://www.icann.org/en/about/agreements/registries/asia/amendment-3-29feb12-en.htm>), all single-character labels and all two-character labels remain reserved and are released based on the Registry Services Evaluation Process (RSEP) proposal (<http://www.icann.org/en/resources/registries/rsep/dotasia-request-09aug11-en.pdf>) submitted and approved by ICANN (<http://www.icann.org/en/resources/registries/rsep/valente-to-chiao-29feb12-en.pdf>)

Public auctions will be held for any domain not allocated during Landrush (i.e. public auctions will be held for any domain not allocated after Landrush).

5 Miscellaneous Provisions

5.1 Modifications, Guidelines and Enforceability

The .ASIA Registry may issue interpretive guidelines on its website regarding the terms of these Sunrise policies. The .ASIA Registry may modify these Sunrise policies from time to time, and modifications will take effect at the time they are announced on the Registry's website and without prior notice to registrars or registrants.

If any part of these Sunrise policies is declared invalid or unenforceable for any reason, the remainder of these Sunrise policies shall remain valid and enforceable as if the invalid or unenforceable part were not included herein.

There shall be substituted for any invalid or unenforceable provision a suitable provision that, as far as is legally possible, comes nearest to the sense and purpose of these Sunrise policies, taking into account all other applicable rules and policies.

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5.2 Limitation of Liability and Decisions by Registry

To the extent allowed under mandatory law, the Registry shall only be liable where the Registry's gross negligence or wilful misconduct is proven. In no event shall the Registry be held liable for any indirect, consequential or incidental damages or loss of profits, whether contractual, based on tort (including negligence) or otherwise arising, resulting from or related to registration or use of a Domain Name or to the use of its software or web site, even if it has been advised of the possibility of such loss or damages, 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 Verification Agent(s), as well as the consequences of those decisions.

To the extent allowed under mandatory law, the Registry's liability for damages shall in any case be limited to an amount equal to the application fee paid to the Registry (that is, the fees collected from the Sponsoring Registrar by the .ASIA Registry for the submission of the corresponding application, not including any other fees paid by the Registrant for the acquisition of the domain, such as fees paid to the Sponsoring Registrar or auction fees) in the context of submitting the Application. The Applicant agrees and accepts that no greater or other damages may be claimed from the Registry (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). The Applicant further agrees to submit to a binding arbitration for disputes arising from the Start-Up process and related allocation of domain names.

The Applicant shall hold the Registry harmless from claims filed or disputes initiated by third parties, and shall indemnify and compensate the Registry for any costs or expenses incurred or damages for which it may be held liable as a result of third parties taking action against it 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.

For the purposes of this Article, the term "Registry" also refers to its members and subcontractors, including the Verification Agents, and each of their respective directors, agents and employees.

The obligations of Sponsoring Registrars are laid out in the Registry-Registrar Agreement. Such obligations include the conformance with these Sunrise Policies.

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