

barcelona_Launch_Policy_201501110

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1. Acceptance of this Launch Registration Policy

This Launch Registration Policy sets forth the terms and conditions which govern .barcelona domain name registrations during the launch period.

1.1 By applying to register .barcelona domain name during the launch period, You agree to be legally bound by:

- a) This Launch Policy, as well as the .barcelona general Registration Policy available at [LINK] and hereby incorporated by reference;
- b) The Registration Agreement provided by the sponsoring Accredited Registrar through which You applied for Your .barcelona domain name; and
- c) Any other policies mandated by ICANN from time to time.

1.2 You hereby represent and warrant to Us that the statements that You made in Your Registration Agreement with the Accredited Registrar sponsoring Your .barcelona domain name are complete and accurate.

1.3 It is Your sole responsibility to determine whether Your .barcelona domain name registration and use complies with this Registration Policy.

2. Definitions

2.1 In this Registration Policy:

- a) “Accredited Registrar” means an ICANN accredited registrar that has entered into an agreement (“the Registry-Registrar Agreement”) with the Registry Operator and is authorised to register names in the .barcelona TLD.
- b) “General Availability” means the general registration period commencing after the launch phases during which available .barcelona domain names will be generally made available to all registrants that are qualified to register domain names on a first-come, first-served basis, under the process described in the .barcelona general Registration Policy.
- c) “.barcelona general Registration Policy” and/or “Registration Policy” means the policy available at the Registry Operator’s website at [LINK] and hereby incorporated by reference, which governs the registration of .barcelona domain names.
- d) “ICANN” means the Internet Corporation for Assigned Names and Numbers.
- e) “Premium Name” means a .barcelona domain name listed in the Premium Name List that may be made available for registration at a premium fee or

initially reserved by the Registry Operator to be auctioned or sold at a later date.

- f) “Public Administrations” means International, national, regional, local and municipal authorities and other governmental departments; as well as other public institutions or appropriate entities with competence in the province of Barcelona.
- g) “Registrant”, “You” and “Your” refers to the individual or entity, which applies or wishes to register a .barcelona domain name with an Accredited Registrar.
- h) “Registry Operator”, “We”, “Us” and “Our” refers to the .barcelona Registry Operator, as entity responsible for operating the .barcelona TLD, regardless of whether acting directly or through an authorised agent (e.g. Fundació puntCAT).
- i) “Reserved Name” means a .barcelona domain name listed in the Reserved Name List that is withheld from registration.
- j) “TLD” means Top-Level Domain.

3. General conditions and Launch overview

3.1 Registrations

To register a .barcelona domain name during Launch, the application must comply with

- i) The specific eligibility requirements set forth in this Launch Policy for each launch category, as well as with;
- ii) The general eligibility requirements and terms of use set forth in the .barcelona Registration Policy, hereby incorporated by reference. Specifically, to register and renew a .barcelona domain name the Registration Policies require that You must be an individual or legal entity with with a nexus to the .barcelona community at the time of registration and thereafter. This nexus means that you must be linked to the community at the time of registration and thereafter on a linguistic, cultural, tourism, commercial basis, or any other activity conducive to the welfare of the .barcelona community.
- iii) Subject to the further requirement that the registrant’s actions in the .barcelona community, as well as the registrant’s use of the registered domain name, must be:
 - i) generally accepted as legitimate; and
 - ii) beneficial to the cause and the values of the .barcelona community; and
 - iii) commensurate with the role and importance of the registered domain name; and

iv) in good faith at the time of registration and thereafter.

Registrants are required to state their intended use of the registered domain name. A false statement of intended use is an indication of bad faith and can be the basis for the suspension of the domain name.

Upon registration and during all the life of the .barcelona domain name You must be able to demonstrate either of the aforementioned fields is applicable to You. Community nexus is subject to post-validation by way of an extensive compliance program based on the same criteria that form the basis of the TLD.

The strength of the validation will be kept in line with the importance of the underlying domain name base on the assumption that an average user would reasonably make in the context of that domain name.

The .barcelona General Registration Policy will apply to all aspects of Your registration not specifically contemplated in this Launch Policy.

3.2 Dates

The Launch Phase for .barcelona will start on 12.01.2016 12:00 UTC and will end on 15.03.2016 12:00 UTC. This will be followed by a five days cooling off period before the start of the General Availability period, on 21.03.2016. During this single 63 calendar day period, five categories of applications will be accepted: four categories for registrants with prior rights, and one additional category for applications without prior rights (Landrush). Applications for all 5 categories will be accepted simultaneously and will be allocated at the end of the Launch Phase according to the hierarchy of priority status of each category. Thus, each category will be completely allocated (i.e. accepted, rejected or sent to contention resolution) before any name on the next category is allocated. Each claim of priority will be individually and thoroughly validated by the Registry Operator. Self-declaration will not be sufficient. The categories are the following, according to priority status (from top-priority to lesser priority):

| Category / Priority | *Length | Summary |
|---------------------|--|---|
| 1. Sunrise | From 12.01.2016 12:00 UTC until 15.03.2016 12:00 UTC | End-date Sunrise for TMCH-validated trademarks. |

| | | |
|---|--|---|
| 2. Public Administrations Limited Registration Period (LRP) | From 12.01.2016 12:00 UTC until 15.03.2016 12:00 UTC | Limited Registration Period to allow Public Administrations in the province of Barcelona to register: i) their own names (including clear variations and/or abbreviations thereof); ii) names of online or offline public services; iii) geographical names and names of local landmarks; iv) the same domain names registered by them in other TLDs and effectively used; and v) their registered trademarks. |
| 3. Local Trademarks LRP | From 12.01.2016 12:00 UTC until 15.03.2016 12:00 UTC | Limited Registration Period to allow legal entities to register: Non TMCH validated trademarks with effect in the area of influence of Barcelona (i.e. Spanish trademarks, EU trademarks, and WIPO International trademarks with effect in Spain) and Geographical Indications recognized by International, Catalan or Spanish legislation. |

| | | |
|-----------------------|--|---|
| 4. Local Entities LRP | From 12.01.2016 12:00 UTC until 15.03.2016 12:00 UTC | Limited Registration Period to allow legal entities with legal seat or place of business in the province of Barcelona to register: <ul style="list-style-type: none">- their corporate names and/or trade names including clear variations and/or abbreviations thereof; and- the same domain names registered by them in other TLDs and effectively used. |
| 5. Landrush LRP | From 12.01.2016 12:00 UTC until 15.03.2016 12:00 UTC | Period during which any interested party shall have the opportunity to submit one or more applications for .barcelona domain names that were not previously allocated under Categories 1 to 4 above, or otherwise reserved by the Registry Operator. |
| General Availability | 21.03.2016 12:00 UTC | Ongoing General registration period commencing after the launch phases during which available domain names ending with .barcelona can be registered by any natural person or entity on a first-come, first-served basis, under the process described in the .barcelona Registration Policy. |

| | | | |
|-----------------------------|--------|---|--|
| Trademark Notice Service | Claims | From 12.01.2015 12:00 UTC until 19.06.2016 12:00 UTC | Period during which the Accredited Registrar is required to provide notice to all potential domain name 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 to (“NORNs”) the trademark holders |
|-----------------------------|--------|---|--|

IMPORTANT: The Registry Operator reserves the right to revise or extend the schedule of any of the above launch categories at its sole discretion. However, Sunrise will last for a minimum of 60 days and the Trademark Claims Notice Service will be in effect for at least the duration of Landrush and the first 90 days of General Availability.

4. Priority 1 Category: End-Date Sunrise

4.1 Sunrise Eligibility and Name Selection Requirements

This category is for TMCH-registered trademarks: registered owners, licensees or assignees of trademarks verified by the Trademark Clearinghouse (“TMCH”);

These requirements are in addition to the the nexus to the .barcelona community as defined in 3.1 above, as well as to any other general requirement applicable to all .barcelona registrations, as set forth in the .barcelona Registration Policy. No other requirements (e.g. trademark class) will apply.

4.2 Validation

TMCH-registered trademarks: The Registry Operator will only register the domain name applied for insofar and to the extent that:

- a) The domain name meets the general eligibility criteria set out in the .barcelona Registration Policy;
- b) The domain name corresponds exactly with a trademark validated, upon request of the applicant, by the Trademark Clearinghouse for Sunrise Services;
- c) A valid SMD file is submitted at the time of application;
- d) The application matches a label contained within the SMD file;
- e) The domain name is available.

No other requirements (e.g. trademark jurisdiction, trademark class or local presence) will apply.

4.3 Duration

This Sunrise Period will last sixty-three (63) calendar days and it will run in parallel with the rest of the Launch Phases.

4.4 Contention Resolution

Should there be more than one eligible application for the same domain in this category, the contention will be solved through an auction process. No other contention resolution criteria will apply.

4.5 Sunrise Dispute Resolution Policy

Allocations and rejections of domain names under this TMCH Sunrise Period category will be able to be challenged through the Sunrise Dispute Resolution Policy (“SDRP”) available on the Registry Operator’s website.

5. Priority 2 Category: Public Administrations Limited Registration Period

This Category is for Public Administrations with competences in the province of Barcelona. Only those applicants proving this specific remit will be allowed to register names subject to the Eligibility and Name Selection requirements set forth below.

5.1 Eligibility and Name Selection Requirements

Public Administrations with competences in the province of Barcelona may register:

- i) their own names (including clear variations and/or abbreviations thereof);
- ii) names of online or offline public services;
- iii) geographical names and names of local landmarks;
- iv) the same domain names registered by them in other TLDs and effectively used;
and
- v) their registered trademarks.

Public Administrations are specifically entitled to register the names of public services over which have specific responsibilities. These would include at least the following services:

- public order and public security
- public affairs and institutional relations
- public health
- taxation, economic development and promotion
- public utilities
- transportation

- urban planning and environmental protection
- culture and education
- citizen participation
- tourism; or
- geographical names for any administrative level (e.g. provinces, cities, districts, neighbourhoods, streets...) local landmarks and other locally-relevant and iconic names over which the Public Administrations referred to in 2.1 f) above are the relevant authority according to local law, including clear variations and abbreviations thereof.

The Registry Operator will only register the domain name applied for insofar and to the extent that the domain name

- i) meets the general eligibility criteria set out in the .barcelona general Registration Policy,
- ii) complies with the specific eligibility and name selection requirements set forth in Clause 3.1 above; and
- iii) it is available.

5.2 Validation

The validation process will be handled by the Registry. Any applicant declaring eligibility for consideration in this Category will be checked against the List of publicly available resources.

5.3 Duration

The Public Interest LRP will last sixty-three (63) calendar days and it will run in parallel with the rest of the Launch Phases.

5.4 Contention Resolution

Should there be more than one eligible application for the same domain in this category, the one from the City Council of Barcelona or any of its departments and/or owned or participated companies will prevail over any other application. Should the contention

set be formed of two or more applications from Public Authorities other than the City Council of Barcelona or any of its departments or companies, the contention will be solved as follows:

- i) For those domain names that are:
 - a) domain names with a geographic scope: domain names that are unequivocally associated with any administrative entity or relevant landmark in the area of influence of Barcelona.
 - b) domain names related to a public service or a public utility: domain names that are unequivocally associated with activities conducted in connection with a public service, by either a Public Administration or a private entity in partnership with a Public Administration.

The Public Administration which scope and remit is more directly related to the geographic scope or the public service/utility of the contested domain name will be allocated the registration of the domain name

- ii) Where i) is not applicable due to the impossibility to determine without any reasonable doubt the most relevant Public Administration, and for any other domain name that does not fall into any of the two previous provisions, the following process will apply
 - i. Agreement between contenders (withdrawal and refund of application);
 - ii. If no agreement, the parties will be offered mediation, arbitration, or random selection (if all contenders agree); and
 - iii. Auction, as a tie-breaker of last resort, if no agreement reached over any mechanism above.

5.5 Priority

Applications eligible under this category will be allocated with priority over eligible Priority 3 and 4 and Landrush applications.

5.6 Challenges to domain names allocated or rejected under this category

Allocations and rejections of domain names under this category may be challenged through the Eligibility and Reconsideration Dispute Resolution Policy established by the Registry Policy.

6. Priority 3 Category: Local Trademarks Limited Registration Period

6.1 Eligibility and Name Selection Requirements

This category is for non TMCH validated trademarks with effect in the area of influence of Barcelona applied on or before June 13th 2012 and granted on or before July 8th 2015, and in force at the time of application of the domain name. In this Launch Policy “**Local Trademarks**” refers to:

- **Spanish trademarks** registered at the Oficina Española de Patentes y Marcas
- **EU Community Trademarks** registered at the Office for Harmonisation of the Internal Market, “**OHIM**”
- **WIPO International trademarks in force in Spain** according to the Madrid system
- **Geographical Indications**, Protected Geographical Indications and Protected Denominations of Origin recognised by EU, Spanish or Catalan legislation.

The community nexus and any other general requirements applicable to all .barcelona registrations, as set in 3.1 above apply. No other requirements (e.g. trademark class) will apply.

6.2 Validation

Applications under this category will be individually and thoroughly validated by either the Registry Operator or Fundació puntCAT as an agent of the Registry Operator.

6.2.1 Validation of Trademarks

Verification of registration data and status in Public Online Databases:

Local Trademarks will be individually verified with the aid of the search tools available online:

- OEPM database, available at:

http://www.oepm.es/gl/signos_distintivos/index.html

This search tool gives access to OEPM's official trademark database, which contains all three types of Local Trademarks eligible under this program (i.e. Spanish trademarks, EU Community Trademarks, and International trademarks designating Spain);

6.2.2 Validation of Geographical Indications

Geographical Indications will be individually verified with the aid of the DOOR Database, available here:

<http://ec.europa.eu/agriculture/quality/door/list.html>

at the official database maintained by the European Commission and containing all EU PDOs, PGIs and TSGs, searchable by country for those created under EU Regulations, and the ones maintained by any other relevant source as may be indicated by European, Spanish, or Catalan Authorities.

6.3 Duration

The local trademarks LRP will last sixty-three (63) calendar days and it will run in parallel with the rest of the Launch Phases.

6.4 Contention resolution

An auction process will determine the resolution of the contention.

6.5 Priority

Applications eligible under this category will be allocated with priority over eligible Priority 4 and Landrush applications.

6.6 Challenges to domain names allocated or rejected under this category

Allocations and rejections of domain names under this category may be challenged through the Eligibility and Reconsideration Dispute Resolution Policy established by the Registry Policy, available at the Registry Operator's webpage.

7. Priority 4 Category: Local Entities Limited Registration Period

7.1 Eligibility and Name Selection Requirements

This category is for Local Entities with legal seat or place of business in the province of Barcelona. These entities will be allowed to apply for, among others:

- their corporate names and/or trade names including clear variations and/or abbreviations thereof; and
- the same domain names registered by them in other TLDs and effectively used.

7.2 Validation

Applications under this category will be individually and thoroughly validated by either the Registry Operator or Fundació puntCAT as an agent of the Registry Operator.

7.3 Duration

The local trademarks LRP will last sixty-three (63) calendar days and it will run in parallel with the rest of the Launch Phases.

7.4 Contention resolution

An auction process will determine the resolution of the contention.

7.5 Priority

Applications eligible under this category will be allocated with priority over eligible Landrush applications.

7.6 Challenges to domain names allocated or rejected under this category

Allocations and rejections of domain names under this category may be challenged through the Eligibility and Reconsideration Dispute Resolution Policy established by the Registry Policy, available at the Registry Operator's webpage.

8. Category 5: Landrush (names without priority rights)

8.1 Eligibility and Name Selection

During Landrush, any interested party may submit one or more applications for any domain name that

- i) meets the general eligibility criteria set out in the .barcelona general Registration Policy; and that
- ii) has not been reserved, registered or awarded by the Registry Operator in the context of any other Launch categories.

8.2 Duration

The Landrush will last sixty-three (63) calendar days and it will run in parallel with the rest of the Launch Phases.

8.3 Contention resolution

An auction process will determine the resolution of the contention.

8.4 Priority

Applications eligible under this category will be allocated with priority over eligible applications received during General Availability.

8.5 Challenges to domain names allocated or rejected under this category

Allocations and rejections of domain names under this category may be challenged through the Eligibility and Reconsideration Dispute Resolution Policy established by the Registry Policy.

9. Compliance with Eligibility and Name Selection requirements

The Registry Operator may reject, revoke or delete at any time any application or resulting registration of a domain name if it appears that the applicant did not fulfil any of the eligibility and/or name selection requirements required for each of the above categories, without the applicant or registrant being entitled to any reimbursement or compensation as a result of such rejection, revocation or deletion.