

Фонд содействия развитию технологий и инфраструктуры Интернета
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POLICY FOR REGISTRATION OF SECOND-LEVEL DOMAIN NAMES IN THE .MOSCOW TLD DURING THE LIMITED REGISTRATION PERIOD I

This Policy for Registration of Second-Level Domain Names in the .MOSCOW TLD During the Limited Registration Period I (referred to hereinafter as the “Policy”) sets forth the terms, conditions, procedure and time frame for registration of second-level domain names in the .MOSCOW top-level domain for exclusive rightholders of trademarks during the Limited Registration Period I.

Terms and definitions used in this Policy:

Limited Registration is a domain name registration during the time frame and on the terms and conditions set forth herein.

Other terms used herein are defined in the Terms and definitions used for the registration of second-level domain names in .MOSCOW and .MOCKBA, as published on the website of the Foundation for Assistance for Internet Technologies and Infrastructure Development at the section "Documents" at: <http://en.faitid.org/projects/moscow/documents>

1. General Provisions

1.1. Terms and procedure of the provision of services related to limited domain name registration are set forth by this Policy; ICANN policy published on ICANN website at <http://www.icann.org>; Registry Agreement published on ICANN website at <http://www.icann.org/en/about/agreements/registries>.

When concluding registration agreements with Users, the Registrar cannot include in such registration agreements any provisions contradictory to this Policy, ICANN Policies, the Registry Agreement, and the Registrar Accreditation Agreement.

1.2. Limited Registration services for second-level domain names in the .MOSCOW TLD for end users shall be provided by ICANN-accredited Registrars that signed the .MOSCOW and .MOCKBA Registry-Registrar Agreement with the Registry Operator, and that successfully passed verification in the Trademark Clearinghouse.

1.3. The Registrar shall have the right to engage third parties for interaction with Users, which does not acquit the Registrar from the obligations specified herein. The Registrar shall require such third parties to include in their registration agreements with Users all provisions required by this Policy, ICANN Policies, Registry Agreement and Registrar Accreditation Agreement. The Registrar is fully responsible for all actions (or omissions) of such third parties and for all consequences of such actions (or omissions).

1.4. Rights and obligations of Registrars are listed in the Registrar Accreditation Agreement published on the ICANN website at <http://www.icann.org/en/resources/registrars/raa/approved-with-specs-27jun13-en.htm>, as well as in the Registry Agreement published on the ICANN website at <http://www.icann.org/en/about/agreements/registries>.

1.5. In order to receive the service of limited domain name registration, the User must sign a registration agreement with a chosen Registrar or a third party engaged by the Registrar.

1.6. This Policy, as well as any exhibits hereto, may be modified, amended, updated, approved in a new version or cancelled at any moment at the Registry Operator's sole discretion. The Registry Operator is also

entitled at any moment to approve and put into effect new exhibits to this Policy. The Registry shall notify Registrars via email of any modifications, amendments, updates or new versions of this Policy or exhibits hereto, as well as introduction of new exhibits hereto at least thirty (30) calendar days prior to the effective date of such modifications, amendments, updates or new versions, or prior to effective date of a new exhibit.

1.7. The Registrar shall notify its customers of any modifications, amendments, updates or new versions of this Policy or exhibits hereto, as well as introduction of new exhibits hereto at least ten (10) calendar days prior to the effective date of such modifications, amendments, updates or new versions, or prior to effective date of a new exhibit.

1.8. This Policy applies to all ICANN-accredited Registrars that signed a .MOSCOW and .MOCKBA Registry-Registrar Agreement, as well as to all domain names and all Registrants of second-level domain names in the .MOSCOW TLD.

1.9. If any provision of this Policy or exhibits hereto is found (either fully or partially) illegal, invalid or unenforceable, all other provisions remain in full force and effect.

1.10. The running of the time frames established by this Policy shall be determined subject to the civil law of the Russian Federation. Moscow, Russian Federation time is used for the time frames. The technical information specifying submission of applications and modification of the Registry will use the universal coordinated time (UCT).

1.11. The right of limited domain name registration pursuant to this Policy is available to exclusive owners of trademarks/service marks registered under national procedure in the Russian Federation or protected under international procedure in the Russian Federation.

An applicant's trademark / service mark should be valid and registered before the Registry Agreement is executed between ICANN and Registry Operator, provided a trademark / service mark registration application has not been submitted after September 15, 2012.

2. Terms and Time Frame of the Limited Registration Period I

2.1. During the Limited Registration Period I the right for limited registration is given to owners of trademarks that are effective at the time of application submission and:

- Protected by statute or treaty in the Russian Federation (registered under national procedure in the Russian Federation or protected under international procedure in the Russian Federation); and
- Their registration term will not expire for at least one year from the start date of the Limited Registration Period I;
- Registered for such goods, products and/or services (classes of Nice Classification) that are not forbidden or restricted to be advertised in the Russian Federation.

2.2. Registration term of any domain name registered during the Limited Registration Period I may not exceed one (1) calendar year.

2.3. Limited Registration Period I shall be at least 30 successive calendar days.

2.4. Time frames for submitting applications for Limited Registration to the Registry Operator will be published on the Registry Operator's website at least 30 calendar days prior to the start date of the Limited Registration Period I.

3. Requirements for Domain Names

3.1. The domain name in .MOSCOW TLD should meet the following requirements:

- a) full domain name ends with .MOSCOW;
- b) domain name begins and ends with a Latin letter or a number;
- c) intermediate characters may be Latin letters, numbers, or a hyphen; Latin characters allow UTF-8 characters from "a" (code 0061) to "z" (code 007A). The full list of UTF-8 characters is published at: <http://www.unicode.org/charts/PDF/U0400.pdf>;
- d) domain name is at least one character long;
- e) domain name contains such a number of characters that will not exceed 63 characters.
- f) domain name reproduces in full the verbal appellation of the trademark or is identical with the verbal appellation of the trademark after its spaces or other symbols are deleted or after the spaces or other symbols are replaced with hyphens. The verbal appellation of a trademark should include at least one protected element.

3.2. If the verbal appellation of the trademark/service marks:

- contains any suffixes indicating a top-level domain (including the "dot" symbol) or transcription and transliteration thereof (including the "dot" symbol), then a user shall be entitled to exclude any such suffixes from the domain name, for which an application for registration is filed;
- contains or fully consists of words, written in non-Latin symbols, then the domain name for which an application for registration is filed will include transliteration or transcription of such words, at the customer's option;
- contains a word consisting of letters from different languages, then the requested domain name will include transliteration of such letters;
- includes or fully consists of non-Latin characters, then the requested domain name will include transliteration or transcription of such characters, at the customer's option;
- contains a word consisting of characters that may not be included in the domain name in accordance with the requirements from section 3.1(c) hereof, but the meaning of the word can be clearly understood, then such characters may be replaced with letters, and in all other cases such characters will be replaced with a hyphen and/or omitted/removed, at the customer's option.

3.3. The domain name shall not contain words inconsistent with the public interest, principles of humanity and public morals (in particular, obscenities and appeals of violent nature that offend human dignity or religious feelings etc.).

3.4. The User (Registrant) is solely responsible for the selection of the domain name and possible violations of any third parties' rights in connection with the selection and the registration of the domain name, and is liable for the costs of such violations.

3.5. If the domain name to be registered by the User corresponds to the verbal appellation of a trademark included in the Trademark Clearinghouse, then the domain name will only be registered after the User confirms reading the Trademark Claim Notice.

3.5.1. The Registrar shall transfer to the Registry Operator any information on the domain name to be registered by the User prior to sending to the Registry an application on domain name registration and shall refrain from sending to the Registry its registration application before it receives from the Registry Operator any information on correspondence of the domain name to be registered by the User to the verbal appellation of any trademarks listed in the Trademark Clearinghouse.

3.5.2. When receiving from the Registrar any information on the domain name to be registered by the User, the Registry Operator shall verify correspondence of any such domain name to the verbal appellation of any trademarks listed in the Trademark Clearinghouse.

- a) In case of such correspondence, the Registry Operator shall send to the Registrar its notice on the need for the User to confirm reading the Trademark Claim Notice, as well as any information on the corresponding trademarks and on the rightholders thereof.
- b) In case of no such correspondence, the Registry Operator shall notify the Registrar there is no need for the User to confirm reading the Trademark Claim Notice.

3.5.3. When receiving the User's request to register a domain name which corresponds to the verbal appellation of any trademark listed in the Trademark Clearinghouse, the Registrar shall be obliged to provide to the User an opportunity to become aware of the notice on correspondence of the domain name to be registered to the verbal appellation of any trademark, as well as an opportunity to express its consent to the registration while taking into account the information specified in the notice ("**Claims Service**"). The contents of the notice should coincide with the Trademark Notice form provided in Exhibit 1 hereto. The form related to submission of the notice to the User and the way of expressing the User's consent to the registration of any trademark corresponding to the verbal appellation of any trademark listed in the Trademark Clearinghouse shall be determined by the Registrar.

3.5.4. No domain names corresponding to the verbal appellation of any trademark listed in the Trademark Clearinghouse shall be registered until the User confirms reading the Trademark Claim Notice.

3.6. Domain names prohibited from the registration in the .MOSCOW TLD.

3.6.1. .MOSCOW TLD has a stop-list with domain names prohibited from registration.

3.6.2. The Registry shall maintain the stop-list that contains denominations that are not accepted for registration of domain names because they include words that contradict public interests, the principles of humanity or morality (in particular, words of obscene content, slogans of anti-humane nature, which insult human dignity or religious sentiments, etc).

3.6.3. Any denominations are added to and removed from the stop-list at the sole discretion of the Registry Operator.

3.6.4. Public access to the information about the presence of a denomination in the stop-list shall be exercised by means of the WHOIS service. The stop-list in full may be made available by the Registry Operator upon a fully defined request for scientific, research, and other similar purposes.

3.6.5. .MOSCOW TLD has also list of domain names prohibited from registration in accordance with ICANN requirements set out in the Registry Agreement (Specification 6), which is published on ICANN's website at: <http://www.icann.org/en/about/agreements/registries>. Any denomination are added to or removed from such list at ICANN's sole discretion.

3.6.6. The list of domain names prohibited from registration in the .MOSCOW TLD in accordance with ICANN Requirements is published on the Registry Operator's website at: <http://www.faitid.org>.

4. Procedure of the Limited Registration Period I

4.1. Domain name registration in .MOSCOW TLD within the Limited Registration Period I shall be performed in respect of any domain name which corresponds to the verbal appellation of any trademark registered under national procedure in the Russian Federation or protected under international procedure in the Russian Federation .

4.2. Only the exclusive owner of the trademark registered under national procedure in the Russian Federation or protected under international procedure in the Russian Federation shall be entitled to register a domain name that corresponds to the verbal appellation of such trademark within the Limited Registration Period I.

4.2.1. In case the trademark certificate bears a record on disposition of exclusive rights to the trademark in respect of all goods and services, then only the party to which the exclusive rights have been transferred (right acquirer) may be registered as the Registrant.

4.2.2. In case any party is granted the right to use the trademark under a licensing agreement, then, still, only the exclusive owner of the trademark may be registered as the Registrant.

4.2.3. In case of disposition of exclusive rights to the trademark in respect of part of goods and services, the domain name may be registered by the first rightholder applying for the limited domain name registration.

4.3. A domain name to be registered should reproduce in full the verbal appellation of the trademark or correspond to the verbal appellation of the trademark after its spaces are deleted or after the spaces are replaced with hyphens. The verbal appellation of a trademark should include at least one protected element.

4.4. Domain names corresponding to the trademarks consisting solely of unprotected elements are not subject to the domain name registration with the Limited Registration Period I.

4.5. If the verbal part of the trademark fully consists of letters from any alphabet other than the Latin alphabet, then the domain name to be registered should coincide with the Latin transliteration/transcription of the verbal part of the trademark as a whole or its protected elements only (at the option of the exclusive owner of the trademark).

4.6. To register a domain name within the Limited Registration Period I, the User must:

4.6.1. Send to the Registrar an application for a limited domain name registration. The application form shall be determined by the Registrar.

4.6.2. Submit to the Registrar copies of the following documents certified by the Customer's seal:

- certificate of the User's registration as a legal entity or sole trader or else any documents in support of the User's registration as a legal entity issued in conformance with the requirements in place in the country of registration (for any foreign legal entities);
- trademark/service mark certificate, or international certificate for trademark protected in the Russian Federation, or enacted judicial decision on the User's exclusive right to the trademark protected in the Russian Federation.

4.7. Upon receiving the User's application, the Registrar shall be obliged to perform the following actions:

4.7.1. Verify if domain name meets the requirements of section 3.1 hereinabove.

4.7.2. Verify the User's right to Limited Registration of the domain name of its choice (whether the User has the exclusive rights and whether the trademark is protected in the Russian Federation).

4.7.3. Verify the term of the trademark registration, which shall not expire less than one year from the start date of the Limited Registration Period I.

4.7.4. Provided the User has the right to a limited domain name registration and provided it complies with the terms and conditions of its agreement with the Registrar, perform such domain name registration in the User's name.

4.8. If there are two and more registration requests for the same domain name during the Limited Registration Period I, the positive decision shall be made in favor of the User that first complies with the terms of this Policy and the terms of its agreement with the Registrar.

4.9. Applications for domain name registration within the Limited Registration Period I will be accepted from July 15th 2014 to August 13th 2014 inclusive.

4.10. Applications for domain name registration within the Limited Registration Period I will be processed from July 15th 2014 to August 18th 2014 inclusive.

5. Domain Name Registration Cancellation

5.1. Domain name registrations performed within the Limited Registration Period I shall be cancelled by the Registrar in case of violations of the terms and conditions specified in sections 3.1—3.3, 3.5, 4.2.1—4.2.3 hereinabove and/or in case the information submitted by the User under section 4.6.2 hereinabove is found to be false.

5.2. The Registry Operator reserves the right to verify limited registration applications selectively and enforce penalties (up to domain registration cancellation and suspension of access to the Registry for the Registrar) in case of violations of the terms and conditions specified in sections 4.7.1—4.7.3 hereof.

5.2.1 The Registrar must provide to the Registry Operator all necessary details about the limited registration application or blocking application upon receiving such a request from the Registry Operator.

6. Miscellaneous

6.1. All actions related to domain names registered / being registered under the Limited Registration procedure shall be performed pursuant to the Policy version in effect as of the date of any such actions.

6.2. During the effective term of this Policy, the Registrant cannot:

6.2.1. transfer domain name to another person or entity, except after disposition of exclusive rights to the trademark in respect of all goods and services, or after the effective date of a court order related to domain name rights;

6.2.2. transfer domain name to another Registrar;

6.2.3. renew domain name registration.

6.3. Domain names registered during the Limited Registration Period I pursuant to this Policy will be delegated at least in three (3) and at most in fourteen (14) calendar days after the conclusion of the Limited Registration Period I.

6.4. This Policy shall be effective from July 15th 2014 to August 18th 2014 inclusive.

6.5. After domain name is registered within the Limited Registration Period I, the Registrant shall be bound by the .MOSCOW TLD General Availability Policy. However, limitations specified in section 6.2. hereinabove shall be effective until August 18th 2014 inclusive.

Exhibit 1
to the Policy for Registration
of Second-Level Domain Names
in the .MOSCOW TLD
During the Limited Registration Period I

Trademark Notice

You have received this Trademark Notice because you have applied for a domain name which matches at least one trademark record submitted to the Trademark Clearinghouse.

You may or may not be entitled to register the domain name depending on your intended use and whether it is the same or significantly overlaps with the trademarks listed below. Your rights to register this domain name may or may not be protected as noncommercial use or “fair use” by the laws of your country.

Please read the trademark information below carefully, including the trademarks, jurisdictions, and goods and service for which the trademarks are registered. Please be aware that not all jurisdictions review trademark applications closely, so some of the trademark information below may exist in a national or regional registry which does not conduct a thorough or substantive review of trademark rights prior to registration.

If you continue with this registration, you represent that, you have received and you understand this notice and to the best of your knowledge, your registration and use of the requested domain name will not infringe on the trademark rights listed below.

The following [number] Trademarks are listed in the Trademark Clearinghouse:

1. Mark: <tmNotice:markName> Jurisdiction: <tmNotice:jurDesc>
Goods and services: <tmNotice:goodsAndServices>
International Class of Goods and Services or Equivalent if applicable:
<tmNotice:classDesc>
Trademark Registrant: <tmNotice:holder>
Trademark Registrant Contact: <tmNotice:contact>

2. Mark: (<tmNotice:claim>). Jurisdiction:
Goods and services:
International Class of Goods and Services or Equivalent if applicable:
Trademark Registrant:
Trademark Registrant Contact:
X (<tmNotice:claim>). Mark:
Jurisdiction:
Goods and services:
International Class of Goods and Services or Equivalent if applicable:
Trademark Registrant:
Trademark Registrant Contact: