

Sunrise Rules for .cm Second-level domains registrations

NETCOM SRL, managers of the .cm Top level domain have delegated to Netcom management of the sub-domains <co.cm>, <com.cm> and <net.cm>

On 15 Nov 2008, Netcom will start accepting registrations under these sub-domains on a first-come- first-served basis.

Prior to that there will be a short 'sunrise period' to allow holders of registered trademarks to apply for the corresponding 'domain names' <mytrademark.co.cm>, <mytrademark.com.cm> and <mytrademark.net.cm>. During the sunrise period, the registration of the domain names is subject to the following

Sunrise Rules

Persons subject to these rules. The Sunrise Rules are applicable to the sunrise applicants, the registrars, any challenging party for the purpose of the challenge proceeding (see below), Netcom's validation agent, and Netcom. The Sunrise Rules are incorporated by reference as an inseparable part of the (i) Registrar Agreement between Netcom and its accredited registrars; and (ii) Registration Agreement between each sunrise applicant and its registrar.

Sunrise period. Sunrise period will start on 10.00 hour (UTC) on 15 October 2008 and will last until 10.00 hour (UTC) on 31 October 2008 (16 days).

First-come-first-serve basis. If there is more than one valid sunrise application for the same domain name, names will be awarded according to the date and time of receipt of the sunrise applications by Netcom, i.e. on the first-come-first-served basis.

Domain names. Holders or licensees of registered national trademarks (trademarks) may apply during the sunrise period for the corresponding domain name(s) under one or more of the sub-domains <co.cm>, <com.cm> and <net.cm>. Trademark is a trademark and/or service mark registered by a national or international trademark authority, granting rights over the trademark for at least one whole country, such as Australian registered trademark, French registered trademark or Benelux or Community trademark.

Transcription rules. The domain name applied for must directly correspond with the trademark. For the purposes of direct correspondence, the domain name applied for must be identical to all text elements contained in the corresponding trademark, with the following exceptions:- Special characters (such as %, §, @, &, !) may be

eliminated entirely from the domain name, or transcribed or replaced with a hyphen;

- Spaces between words may be removed entirely or replaced with a hyphen;
- Latin letters with additional non-latin elements (such as á, ù,) may be reproduced without such elements (a,u,.....) or replaced by standard spelling of such letters (.....);

Figurative trademarks . A sunrise application may be based on a figurative trademark if the trademark exclusively contains a word, the word element of the trademark is predominant, all alphanumeric characters included in the word are contained in the domain name and the general impression of the domain name is apparent and corresponds with the word contained in the trademark.

Sunrise applications. All applications must be submitted by an accredited registrar of Netcom . The receipt of every sunrise application will be confirmed by Netcom electronically stating the date and time of receipt of the sunrise application, the domain name(s) applied for and name and email address of the applicant. This information will be published.

Sunrise applicants will be required to warrant that they have the applicable rights to the domain name applied for [and to supply an electronic copy of the trademark registration certificate corresponding to the name applied for.] [Another possible variant: and to submit the following information regarding the corresponding trademark: (i) trademark number; (ii) date of trademark application; (iii) date of trademark registration; (iv) wording of the trademark; and (v) country or countries for which the trademark was registered.]

Where the applicant is a licensee [a copy of the licensing agreement with the holder of the trademark must also be provided.] [Another possible variant:the name and residence address/corporate seat of the licensor must also be provided].

All sunrise applications must be in English. [A copy of the trademark registration certificate and/or the license agreement may be in their original language, with English translation provided only upon an express request of Netcom or its validation agent.]

The applicant must correspond to the holder or licensee of the trademark on which the sunrise application is based. The applicants have a right to correct any mistakes in their applications before the expiry of the sunrise period. Any submission of such corrections must be made electronically by the respective registrar which filed the sunrise application(s) to Netcom. Netcom or its validation agent has a right but not obligation to allow correction of evident errors in sunrise application(s) even after the expiry of the sunrise period.

Validation. At the end of the sunrise period, sunrises applications will be validated by Netcom or its validation agent. Netcom or its validation agent has a right to

request submission of additional documentation from the applicants, evidencing their rights in the corresponding trademark(s).

The earliest or the only valid sunrise application for a name [supported by the correct documentation] will be provisionally registered to that applicant upon validation.

Details of all domain names provisionally registered during the sunrise period will then be published on NETCOM web site for a challenge period of 3 weeks. During this time any party with rights to the name who believe that the applicant to whom a name has been provisionally awarded has infringed those rights or that the infringement of these Sunrise Rules occurred may register a challenge to that award. During this period, all domain names provisionally registered will be unavailable for use.

After the three week challenge period those names for which no challenge was received will be formally registered and available for use.

Challenge procedure. Any party may file the challenge by email sent to the following email address: <challenge@netcom.com.cm> before the expiry of the challenge period. The challenge must contain (i) the name and contact details of the challenging party, (ii) the disputed domain name(s), (iii) description of rights relied upon by the challenging party, (iv) factual and legal grounds explaining and documenting why the registration of the disputed domain name(s) to the provisional holder would infringe legal rights of the challenging party or why these Sunrise Rules were infringed and (v) statement of the challenging party accepting these Sunrise Rules.

Netcom will exercise its best efforts to decide each challenge within [7] days from its receipt. If Netcom decides in favour of the challenging party, the provisional registration of the disputed domain name(s) will be cancelled and the domain names will be provisionally registered to the next applicant in the queue. Another three week challenge period will start running for each new provisional registration. If Netcom decides in favour of the provisional holder, the provisional registration will continue till the expiry of the original challenge period and another challenge can be filed within this time period.

Limitation of liability. Except in the case of deliberate wrongdoing, neither Netcom nor its validation agent (including their directors, employees, agents and advisors) shall be liable for any act or omission in connection with any sunrise application, its validation and/or provisional or full registration of domain names during the <co.cm>, <com.cm> and <net.cm> sunrise.

When general registrations commence on a first-come-first-served basis, those names applied for during the sunrise will be unavailable for general registration pending validation of the sunrise application and processing of any challenges.

Names applied for during sunrise which are not supported by valid documentation will be released for general registration on a first-come-first-served basis on a date to be publicised.