

The .eu Sunrise Experience

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.eu status report

Time of last update 2007/03/25 10:28

Active domain names

Total number of active domain names 2,591,347
[Per country of registrant](#)

Sunrise statistics

Applications under Sunrise 346,218
Domain names applied for 245,908
Cover letter downloads 198,194
Documentary evidence received by Validation Agent 245,221

[Total number of applications \(Sorted alphabetically\)](#) 346,218
[Total number of applications \(Sorted on number of applications\)](#) 346,218
[Total number of initial applications](#) 183
[Total number of accepted applications](#) 139,878
[Total number of rejected applications](#) 78,469
[Total number of expired applications](#) 98,552
["All-in-one" view on applications](#) 346,218

Please click on the links above to see a breakdown of applications per prior right and country of applicant.

Scope of the .eu Sunrise

- **General Eligibility Requirements (Regulation 733/2002)**
 - Domain name applicant / registrant must be
 - an undertaking having its registered office, central administration or principal place of business within the European Community;
 - an organisation established within the European Community without prejudice to the application of national law;
 - a natural person resident within the European Community

Scope of the .eu Sunrise

- **Holders (and Licensees) of Intellectual Property Rights (EC Regulation 874/2004)**
 - EU Member States + Community Trademarks
 - Geographical indications & designations of origin
 - Public body names & acronyms
 - In as far as they are protected under national law in the Member States where they are held:
 - Unregistered trademarks,
 - Company names, trade names, business identifiers,
 - Family names,
 - Distinctive titles of protected literary and artistic works

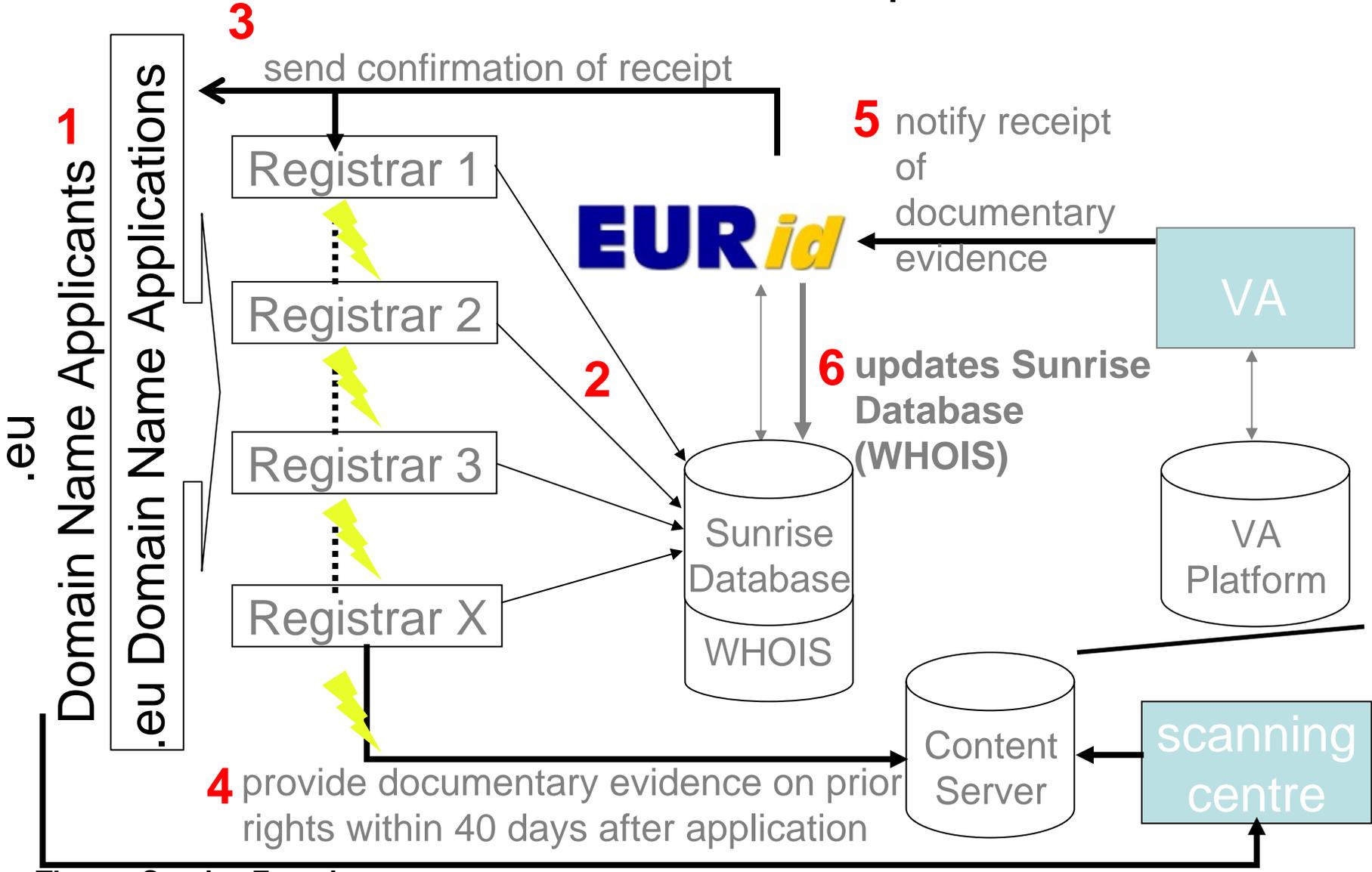
Scope of the .eu Sunrise

- Regulation 874/2004 applied the “identity” criterion
 - if your trademark is “Registry Consulting”, you were not entitled to apply for “registry.eu”
 - IP owner was not entitled to remove distinctive elements from e.g. trademark
 - if your trademark is “IBM”, you were not entitled to apply for “ibmconsulting.eu” or “ibm-consulting.eu”

The .eu Sunrise Experience

- Process defined in EC Regulation 874/2004 contained the assumption that every actor in the Sunrise process is aware of the complexity of IP rights

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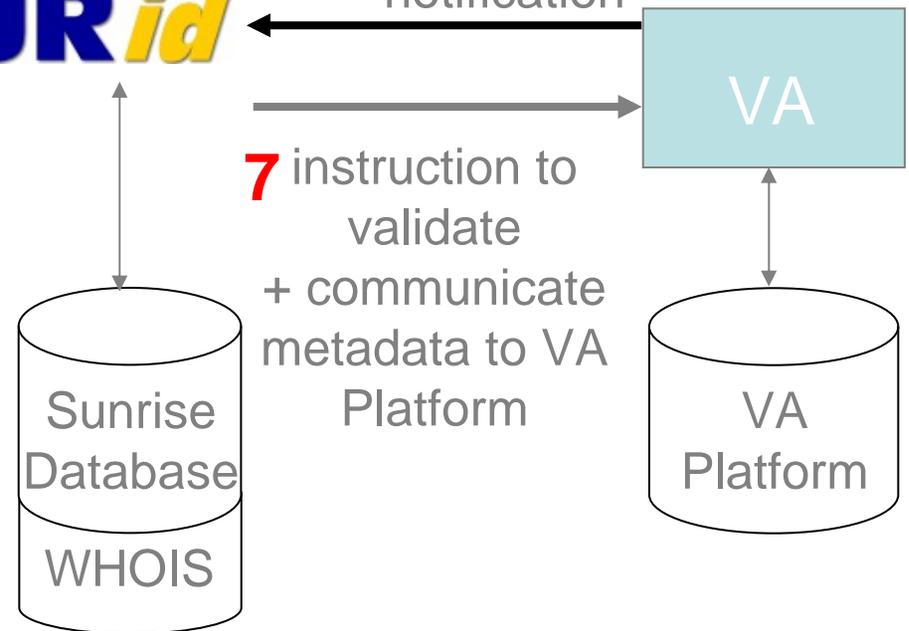
In case domain name applicant is first in the queue for the domain name concerned **and** his documentary evidence has been received in time

EUR*id*

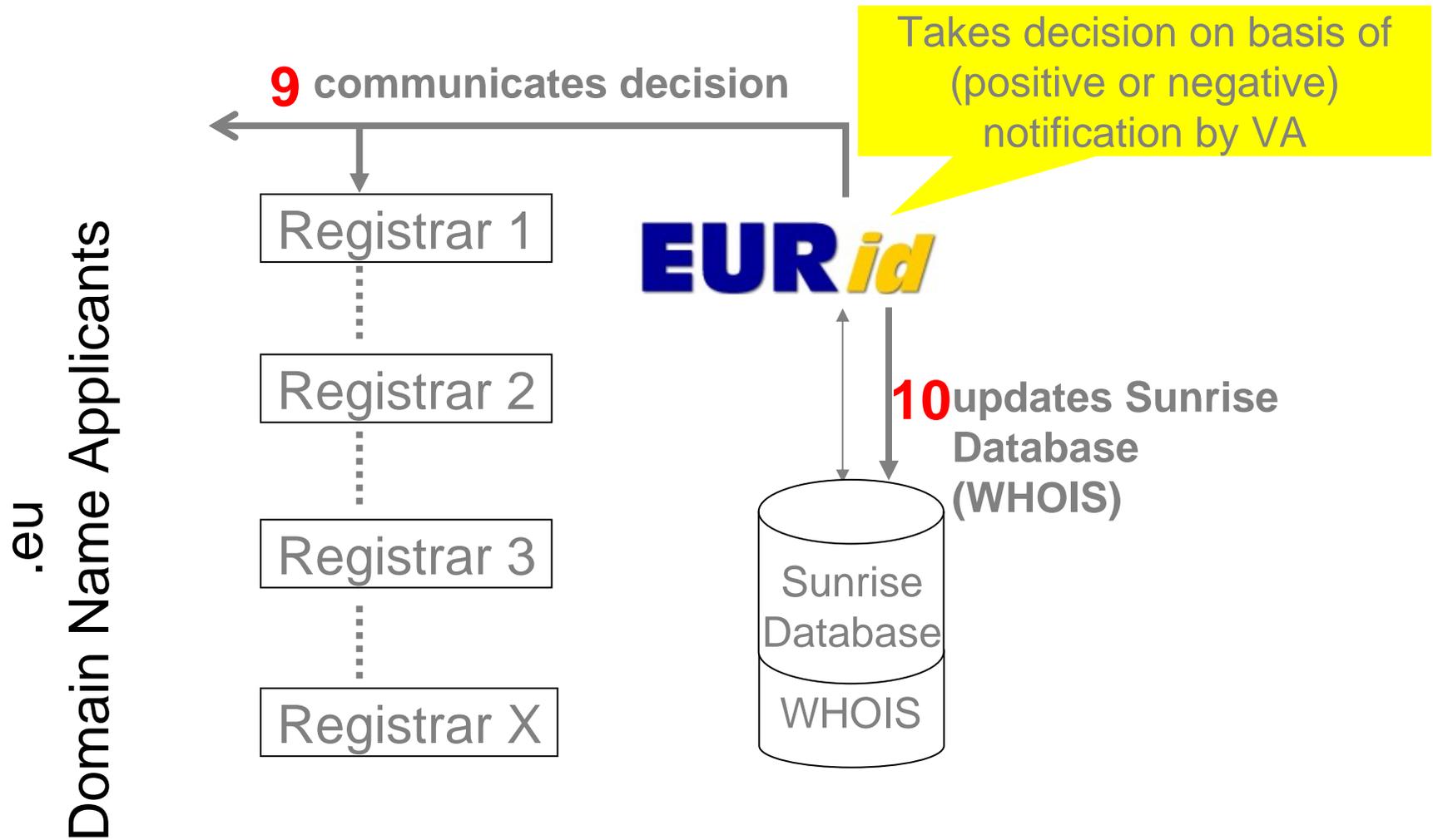
8 VA validates whether Documentary Evidence supports the prior right claim positive or negative

notification

7 instruction to validate + communicate metadata to VA Platform



The .eu Sunrise Experience



The .eu Sunrise Experience

- Process defined in EC Regulation 874/2004 contained the assumption that every actor in the Sunrise process is aware of the complexity of IP rights
 - Over-reliance on capabilities of domain name registrars: many of them think that a Sunrise process is just about registering domain names; their focus is on **technical aspects** of the process
 - IP owners do not understand the complexity of Sunrise processes; their focus is on **substantive elements**
 - Sunrise process has laid an emphasis on **formal requirements**

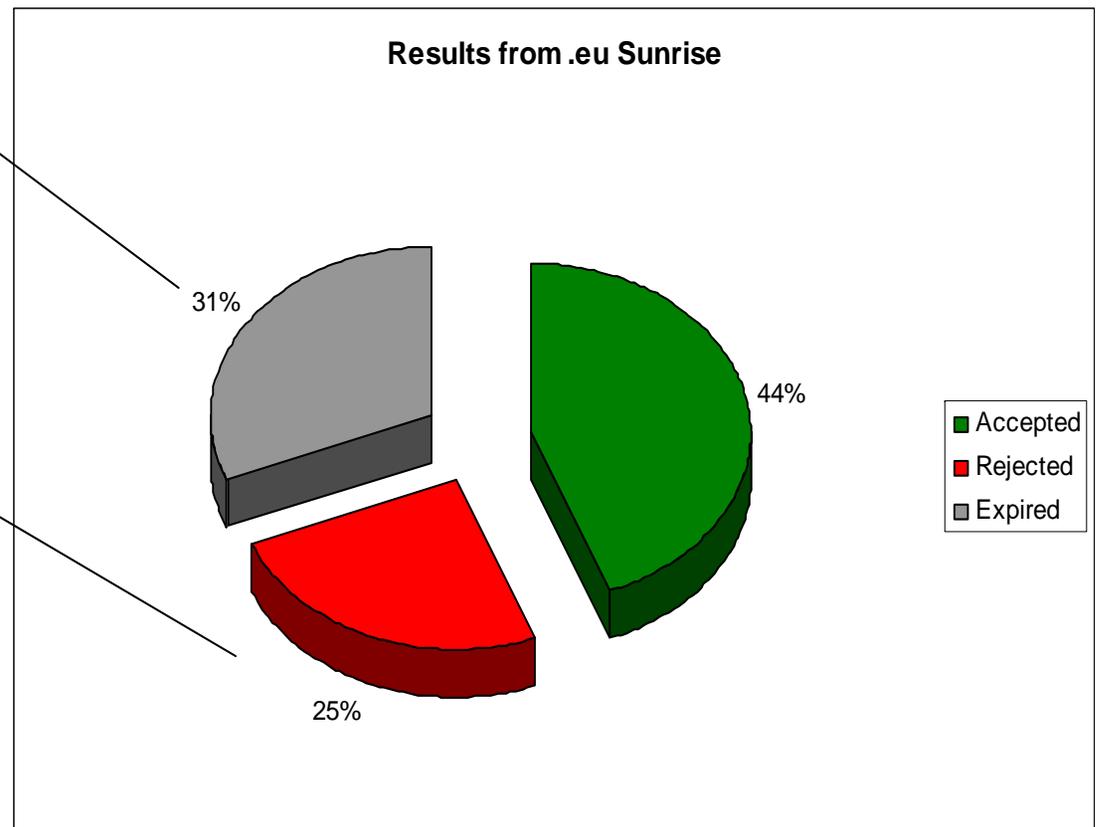
The .eu Sunrise Experience

- Abuses of the Sunrise Process
 - expedited trademark registrations
 - procedure existed in Benelux
 - other countries amended their existing trademark grant procedures
 - fraud in documentary evidence
 - incorporation of UK Ltd. companies like “Gardendesign”, “Counsel”, “Advocates” and the like only days before the submission of the corresponding domain name applications

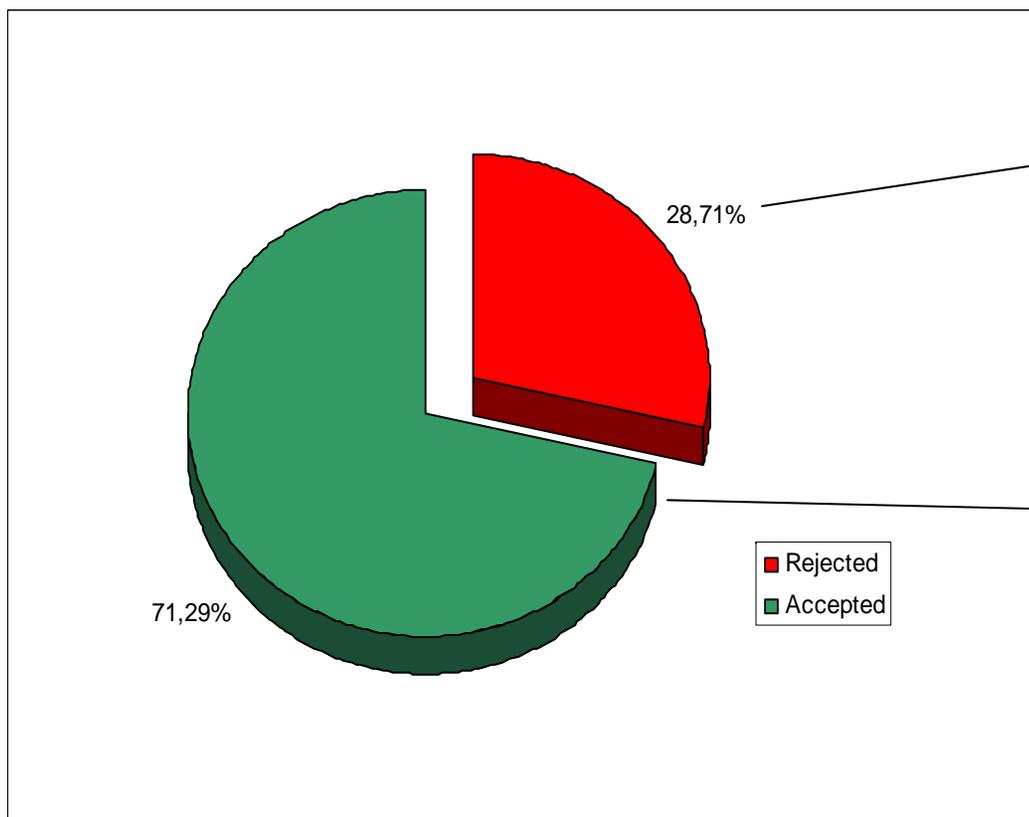
Ratio of accepted / rejected domain name applications (total)

- domain name applicant was not the holder of IP rights
- IP owner / registrar forgot to submit evidence

- information in domain name application was not correct (error of registrar)
- documentary evidence did not substantiate existence of prior right invoked in domain name application (error of IP owner or registrar)



Ratio of accepted / rejected domain name applications on the basis of registered trademarks



Actual error rate was close to 50%
28,71% error rate was achieved after having put in place **leniencies** in the **validation process**

Several mistakes in the domain name applications / documentary evidence sent in were **not considered by Validation Agent**
Additional investigations have been carried out by **Validation Agent** in order to be able to grant the domain name to the domain name

.eu ADR Proceedings

- Sunrise dispute resolution proceedings against the decision of the Registry
 - verifying whether Registry came to the correct conclusion on the basis of information available
 - not a second chance for IP owner in case something went wrong in the domain name application process
 - extensive study carried out of all .eu Sunrise proceedings in order to obtain a clear and detailed view of expectations of the IP community
 - <http://www.caselawon.eu>

Thank You

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