The .eu Sunrise Experience

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  – the domain name application, validation and registration process
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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 196,194
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 139,978
Total number of rejected applications 78,469
Total number of aspiring applications 96,532
“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 “identicality” 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
The .eu Sunrise Experience

1. Domain Name Applicants
   - Registrar 1
   - Registrar 2
   - Registrar 3
   - Registrar X

2. .eu Domain Name Applications

3. send confirmation of receipt

4. provide documentary evidence on prior rights within 40 days after application

5. notify receipt of documentary evidence

6. updates Sunrise Database (WHOIS)

VA Platform

Content Server

scanning centre

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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:

1. The applicant launches an EURid request for Sunrise.
2. EURid checks the applicant's documentation.
3. EURid adds the applicant's validation information to the Sunrise database.
4. VA receives the validation information.
5. VA validates the applicant's documentation.
6. VA prepares a notification for the Sunrise database.
7. VA instructs Sunrise Platform to validate + communicate metadata to VA Platform.
8. VA sends the validation notification to the applicant.

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ICANN Meeting, Lisbon, 25 March 2007
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Registrar 1
Registrar 2
Registrar 3
Registrar X

. eu
Domain Name Applicants

Takes decision on basis of (positive or negative) notification by VA

9 communicates decision

Sunrise Database
WHOIS

10 updates Sunrise Database (WHOIS)

EURid
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

- **Accepted**: 28.71%
- **Rejected**: 71.29%

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 applicant.
.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](http://www.caselawon.eu)
Thank You

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