

London Priority Period Rules

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1. Introduction

The initial launch of the .LONDON Top Level Domain - open to anyone wishing to get a .LONDON domain name - is intended to provide certain trade mark holders and Londoners with priority over non-Londoners to get a .LONDON domain name. The launch, which will begin on 29 April 2014 and end on 31 July 2014, will run two distinct phases simultaneously:

- 1) An ICANN mandated Sunrise application phase in which certain trade mark holders who have entered their trade marks into ICANN's Trademark Clearinghouse ("TMCH") will be given the highest priority to secure their trademarks in .LONDON ("Sunrise"); and
- 2) A London Priority Period ("LPP") which is designed to give priority to London based businesses, organisations, and individuals to get a .LONDON domain name. Applicants qualifying under the LPP, as defined below, will be given priority over non-Londoners applying for the same domain name during this period.

This document sets out the rules of the LPP (the "Rules") and validation process that will be applied in the event of contention for a name. Applicants are encouraged to complete the validation information to ensure their applications are placed in the appropriate priority order. Note, if an applicant chooses not to submit the requested validation information their application may be allocated to the lowest priority order.

The .LONDON registry will charge all participating registrars a nominal, non-refundable validation fee per application received during LPP. The purpose of this fee is to cover the validation processes, which are outlined in this document and aim to ensure Londoners receive priority during LPP.

Subsequent to the Sunrise and LPP, .LONDON will open for General Availability on 9 September 2014. Once General Availability opens, the Sunrise and these Rules, except Section 2 below, will no longer apply and anyone will be able to register for any available .LONDON domain name on a first-come, first-served basis.

2. Agreement to Applying for or Registering a .LONDON Domain Name

All applicants, by virtue of submitting a .LONDON domain name application or registration, will be deemed to have confirmed that the information they are providing is true and correct, and have the authority to submit an application for their desired .LONDON domain name. Providing false information at any time during the application or registration of a .LONDON domain name may lead to cancellation of an application or the suspension of the .LONDON domain name.

3. Determining Priority Order

Applicants may fall under one of the three priority categories described below.

A. London Priority 1

In order to qualify under London Priority 1, the applicant must have a valid London address **and** an existing right for the name.

i. London Address

Applicants must provide a valid address in [Greater London](#), comprising 32 London boroughs and the City of London (a “London Address”). A list of London boroughs is included in Annex 1. The validity of the address will be checked and further documentation may be required if the address cannot be verified.

For incorporated entities: If the applicant entity is not based in London (e.g. some corporate groups may have a designated entity for domain name or intellectual property ownership and this entity may not be based in London), it can still qualify for London Priority 1 if it can provide the London Address of a company in the same corporate ownership as the applicant.

For example, ABC Manchester Ltd, a company based in Manchester, can apply for its domain name and can claim London Priority 1 if it submits a London Address of a company in the same corporate group.

For natural persons: The London Address must be the residential address of the applicant or another address registered to them.

Notes: Applications filed using a proxy service will not qualify for London Priority 1 or 2.

Applications filed using a privacy service may not qualify for London Priority 1 or 2 if the underlying applicant name and address are not visible.

ii. Existing Right for the Name

An applicant that has an existing right to a certain name can rely on one of the types of rights described below in (a) to (d) provided that the right is an Identical Match to the domain name applied for.

Identical Match means that the domain name applied for must exactly match the text of the right claimed and any evidence supplied, subject to the following exceptions:

- As a domain name cannot contain spaces or special characters (such as, but not limited to: “.”, “@”, “&”, “\$”, “#”, “%”, “!”, “:”, “*”, “+”), these characters may be either (i) omitted; or (ii) replaced by hyphens by the applicant
- Characters “@” and “&” may additionally be spelled out with “at” or “and” respectively
- Company identifiers such as Limited or Ltd may be omitted from the domain name

For example, an applicant with a trade mark “ABC & Sons Limited” could claim priority for the domain names:

abcandsons.london abc-and-sons.london abc-sons.london abcsons.london

a. Registered Trade Marks that are effective in the UK

Eligibility requirements: UK trade marks, Community Trade Marks and trade marks registered via Madrid Protocol with national effect in the UK. The trade mark registration must be in effect prior to 1 April 2014.

Evidence: Applicant will need to provide the following information, which will be submitted via the Validation System:

- Trade mark name
- Trade mark registration number
- Jurisdiction in which the trade mark is registered (UK/CTM/WIPO)
- Trade mark owner (if different from the applicant, applicant must indicate the nature of the relationship between themselves and the trade mark owner)
- Date of application of the trade mark (must be prior to 1 April 2014)

Notes: For trade marks including figurative elements (e.g. stylisation or logos) the part of the trade mark for which priority is being claimed in the domain name application must be:

- predominant; and
- clearly separable or distinguishable from the device element; and
- in the same order they appear on the trade mark record in the applicable database.

For example, the trade mark below could support an application for the domain name **icannaccreditedregistrar.london**, but not **accreditedregistraricann.london** or just **icann.london**



b. Registered Company Names

Eligibility requirements: Companies incorporated in the United Kingdom and registered at Companies House, before 1 April 2014. The company must have “Active” status recorded at Companies House at the time of the validation.

Evidence: Applicant will need to provide the following information:

- Company Name
- Companies House registration number
- Date of Incorporation

c. Charities Regulated by the Charities Commission

Eligibility requirements: Charitable organisations regulated by the Charities Commission and registered on its list of Registered Charities.

Evidence: Applicant will need to provide the following information, which will be submitted via the Validation System:

- Charity name
- Charity Commission number

There is no requirement for qualifying charities to have been registered by a particular date so long as the record is live and effective at the time it is checked during the LPP.

If the name the charity is commonly known by differs from its registered name, the applicant can still claim priority to the more common name by virtue of submitting valid information on its registered or unregistered trade mark.

d. Unregistered Trade Marks and Trading Names

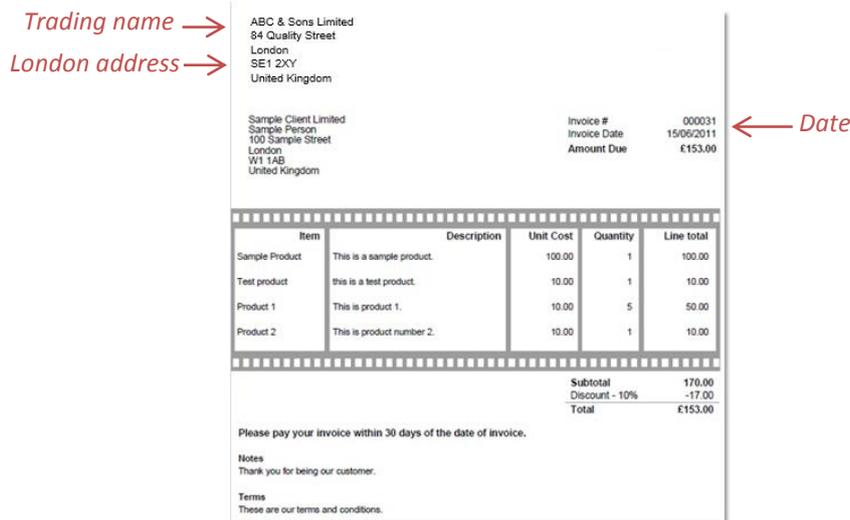
Eligibility requirements: Applicants that can demonstrate use of a name in London prior to 1 April 2014.

Evidence: The applicant must prove use of the name by submitting any of the following types of evidence which must contain the name in a clear, stand-alone format:

- Dated advertising and marketing materials (e.g. brochures, pamphlets, catalogues, product manuals, displays or signage, press releases, screen shots, social media marketing materials etc.)
- Links to websites, screen shots from websites
- Headed and dated stationary, receipts, invoices
- Dated photographs or scans of product labels, tags or containers
- A signed declaration of use by a UK solicitor or trade mark attorney

For example, an applicant claiming priority with a registered name of “ABC Trading & Sons Limited” but uses “ABC & Sons” as its trading name could provide the invoice below to prove use of the name in London before 1 April 2014.

Notes: If owner of the unregistered trade mark or trading name is different from the applicant, applicant must indicate the nature of the relationship between themselves and the unregistered trade mark or trading name owner.



e. Personal Names

Eligibility requirements: Domain name applied for must match the applicant’s full legal name subject to the exceptions listed below under Notes section.

Evidence: The applicant must demonstrate the authenticity of the application by means of submitting a copy of one of the following documents:

- Current and valid passport
- Current, valid full UK photo-card driving licence
- Birth certificate
- Residence permit showing full name and current address
- National Insurance Card
- Other official certificates that provide evidence of the legal name (e.g. marriage certificates)

Notes: Applicants that have changed their name by Deed Poll and have not updated any of the documentation listed above can submit a scan of their Deed Poll documentation.

Applicants may apply for their full legal name, or one or more of their forenames in combination with their surname. For example, Alexander James Smith would be entitled to priority to the domain names:

alexanderjamesmith.london alexandersmith.london or jamesmith.london

However, the following would not qualify for London Priority 1:

alexander.london alexanderjames.london or smith.london

B. London Priority 2

Applicants that have only a valid London Address under the Rules will be categorised under London Priority 2.

C. London Priority 3

Applicants without a valid London Address under the Rules will be categorised under London Priority 3

4. Allocation of Domain Names

At the conclusion of the Sunrise and LPP, the Registry will allocate domain names to the appropriate registrants in accordance with the Rules.

Sunrise

Applications made during the Sunrise through the TMCH will be allocated ahead of any other applications.

LPP

At the end of the LPP, if only one application is received for a domain name, that applicant will be allocated that domain name via their registrar, subject to the .LONDON Registration Agreement and Policies.

If more than one application is received for the same domain name a “contention set” will be created. Applicants in a contention set will be grouped in accordance with the Priority Order set out in the Rules. If only one applicant ends up in the highest Priority Order, then the domain name will be allocated to such applicant. If however there is more than one application in the same highest Priority Order then those applicants will have the opportunity to resolve the contention set via an auction mechanism. Auction rules will be available on the .LONDON registry website mydotlondon.london.

Therefore, it is important to remember:

1. Sunrise applications will have priority over any other applications submitted during the London Priority Period;
2. London Priority 1 will have priority over London Priority 2 and London Priority 3; and
3. London Priority 2 will have priority over London Priority 3.

5. Validation of Applications

.LONDON Registry’s validation service provider (the “Validator”) will contact applicants when there is more than one application for a domain name (i.e., a contention set). Applicants will be contacted by email and will be provided with login details to access the Validator’s online platform (the “Validation System”). Once the applicant logs in to the Validation System, they will be asked to select the Priority Order applicable to their application and provide the required information. The Validator will then check the details provided by the applicant and confirm whether the applicant satisfies the requirements for the priority category they selected.

As part of the validation process, applicants in a contention set may provide required information and supporting documentation in the Validation System. The Validator may require additional documentation, and/or evidence from Applicants to complete the validation process

Information, evidence, and documentation submitted by an applicant must meet the following standards:

- Submitted as an electronic file with maximum size of 10 MB

- Up to 5 items can be uploaded
- Materials must not be retouched or otherwise altered

Validations will be conducted in the following order:

- Step 1:** Applicant submits their domain name application through a registrar during the LPP.
- Step 2:** If there is more than one application for the same domain name, a contention set is formed. Validator contacts all applicants in the contention set via email address provided on their applications with an invitation to login to the Validation System and provide the information required under the priority they have claimed. The email states the date by which applicants need to login and submit the information. This date will be 21 calendar days after an applicant receives the email from the Validator. Applicants will receive an email reminder 7 days before the 21-day window ends.
- Step 3:** Applicant logs in to the validation system, selects appropriate London Priority category and enters all required information and uploads relevant supporting documentary proof. Applicants are able to save their applications and return to the Validation System later within the 21-day window. Once applicants submit the information, they will be presented with the date by which the result of validation will be provided in the Validation System.
- Step 4:** Validator checks compliance of the application with the Rules and confirms whether the application qualifies for the claimed priority. If there are omissions or missing information, Validator will notify the applicant via email and request additional information. Applicants have 7 days from the date of the email to respond and provide the additional information.
- Step 5:** If the Validator concludes that the application does not qualify for the claimed priority, the applicant has the opportunity to appeal the decision for a fee of GBP £120, payable to the Validator. The request for an appeal must be made to the Validator within 10 days of the Validator communicating the final outcome on the Validation System (subject to appeal). The request for an appeal should be made via the Validation System. Upon appeal, the Validator will conduct an internal review of the decision. If the Validator is still not able to confirm the claimed priority, the appeal will be referred to an independent legally qualified expert for a final decision. If, at any point, the original validation result is overturned and the applicant is found to be successful, the appeal fee will be refunded to the applicant.

6. Annex 1 – London Boroughs

1. Barking and Dagenham
2. Barnet
3. Bexley
4. Brent
5. Bromley
6. Camden
7. Croydon
8. Ealing
9. Enfield
10. Greenwich
11. Hackney
12. Hammersmith and Fulham
13. Haringey
14. Harrow
15. Havering
16. Hillingdon
17. Hounslow
18. Islington
19. Kensington and Chelsea
20. Kingston upon Thames
21. Lambeth
22. Lewisham
23. Merton
24. Newham
25. Redbridge
26. Richmond upon Thames
27. Southwark
28. Sutton
29. Tower Hamlets
30. Waltham Forest
31. Wandsworth
32. Westminster

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City of London (33rd division of Greater London)