



.ME Sunrise

Montenegro registry markets itself as pseudo-gtld for individuals

Sunrise for trade mark owners for three weeks from 6 May 2008

Not first come first served. Competing applicants face auctions.

Background

In May 2006, the good people of Montenegro voted for independence from Serbia. Now two years on, the .ME country code is to be launched as a domain for individual use.

At the website at <http://www.domain.me>, the message is clear:

".ME is about you! .ME has incredible potential for Internet users world-wide. Think about it, with a .ME domain, the Internet will, quite simply, be all about you.....ME is expected to be utilized as both a personalized Web address and as a catchy business marketing tool around the world".

Like .TV or .TM, two other ccTLDs which exploit the coincidence that exists between their country code and common terminology, .ME is positioning itself as a pseudo-gTLD. On behalf of the Montenegro Government, the University of Montenegro's Center for Information Systems ran a competitive tendering process last December for an organisation "to exploit the international appeal of the .ME domain". The contract was awarded to **doMEn**, d.o.o., a Montenegro based joint venture doing business as ".ME Registry" whose partners are Afiliat Limited, GoDaddy.com, Inc., and ME-net d.o.o.

Afiliat operates the .info registry and has considerable expertise in providing technical registry services to ccTLD operators such as .IN. Go Daddy is a phenomenally successful retail registrar with an extensive global network of affiliates. Together they should be able to ensure that .ME is positioned as "the next big thing" to the domain hungry wherever they are based.

Considerations for IP owners

If .ME is going to be marketed as a domain extension for individual users, why should brand and IP owners care? Does it matter if a private individual registers yourbrand.me?

For some IP owners, with trade marks that are distinctive, there should be no need for alarm. After all why should anyone wish to register yourbrand.me if it is not their real name? Furthermore, WIPO has been appointed to administer both a Sunrise Challenge scheme and to resolve disputes from the Land Rush onwards using the UDRP.

The problem is that the registry fee for a .ME domain once the registry is up and running is going to be just €10. Add say another €10 for the fees of the on-line retail registrars, and there is little deterrent for infringers in terms of cost. On top of this, there is no requirement on a registrant to prove a right to a name at point of registration. Therefore it is possible that .ME will become one of those open ccTLD registries where infringers flourish. The NickName defense is well-known to domain exploiters around the world who we expect will eventually part with the .ME registrations they have secured that match trade mark terms for a little less than the price of a UDRP complaint.

With registry liberalisations, we often recommend that IP owners secure their key marks and then monitor the progress the registry makes. If the registry then achieves stability and there is little risk of infringement, we may suggest that domains are lapsed. Unfortunately, this strategy is not appropriate for .ME Sunrise registrations which must be registered for an initial five year period.

What then is the answer for trade mark owners? Perhaps to register key marks under the .ME Sunrise, accepting that the high price covers a five year term, and then to try to secure others under the cheaper Land Rush?

Who is eligible to apply under the .ME Sunrise?

Any registered trade mark owner can apply under the .ME Sunrise, wherever they are based provided the trade mark was applied for at a national or international registry before 28 June 2006. There is no local presence requirement. Eligible applications must feature:

- An exact match between the trade mark and the domain name. This includes applications based on device marks where the domain name must be identical to the textual or word elements of the device mark.
- Ascii characters A-Z, 0-9 and hyphens (-) are allowed.
- A minimum of three characters and a maximum of 65 characters
- The replacement of non-Latin characters so É must become E

Licensees of trade marks cannot apply: only the registrant of a trade mark can apply.

Trade marks applied for but not granted are also ineligible.

Registration Period

Domain names registered during the General Sunrise will be registered for five years. Domain names secured during the Land Rush will be registered for two years. Transfers are prohibited for the first 60 days after registration.

How will the .ME Sunrise Work?

A phased sunrise is being operated.

Phase One

1 – 6 May 2008: Montenegrin Sunrise

Only applications from locally incorporated Montenegrin entities with eligible trade marks will be allowed during this period. However, as any such applications will be evaluated at the same time as applications during the General Sunrise described below when anyone can apply, with competing applicants facing an

auction to win the name, the logic behind this phase is questionable.

Phase Two
6-20 May 2008: General Sunrise

Any trade mark owner can apply during this period through an accredited registrar. However, applications will not be processed on a first come first served basis. Instead, competing applicants for the same term will face an auction to decide who wins the term.

Phase Three
20 May – 6 June 2008: First Quiet Period and Validation of Applications

The registry will close during this period to allow for the validation of applications to ensure that applications are compliant with the rules of registration. The validators will have the right to request documentation from the applicant to prove eligibility. At the time of writing, the validators have not been confirmed but we expect that it may be Deloitte Belgium who have successfully undertaken the validation of all .ASIA sunrise applications.

If there is only one application for a term, the applicant will be awarded the domain name. If two or more parties have applied for the same domain, the parties shall be entered into an auction which will last for no more than seven days. See Auction description below.

Phase Four
6 – 26 June 2008: Land Rush

Anyone anywhere in the world can apply for any term during the Land Rush.

Land Rush domains will be registered for a minimum of two years or a maximum of 10 years.

All applications will be considered to have arrived at the registry at the same moment. Domains with only one application will be allocated. Domains with more than one application will be auctioned.

Phase Five
26 June – 17 July 2008: Second Quiet Period

During the second Quiet Period auctions will be held between competing applicants for the same term

Go Live / Open Registration
17 July 2008 onwards

Domain names can be registered on a first come first served basis. The .ME registry will operate on an un-restricted basis for registrations at the second level (yourname.me) though applicants for registrations at the third level, for example under .co.me or .org.me must be locally incorporated.

Disputes & Challenges

All applications under the .ME Sunrise are subject to the .ME Sunrise Challenge Process. If you believe that an application is ineligible, you can pay €700 to the WIPO Arbitration and Mediation Center and challenge an application. If you win

and you are eligible, the domain name will be transferred to you. The Sunrise Challenge Process opens on 9 June 2008 and ends on 7 July 2008. See: http://www.domen.me/cms/site_files/dotME_Sunrise_Challenge_Policy.pdf.

All Land Rush and Open registrations will be subject to the UDRP – though whether this is the UDRP with a twist (for example with complainants having to demonstrate either registration or use in Bad Faith), or whether complainants have to go through WIPO or any UDRP panel provider including the Czech Arbitration Court, cannot be confirmed at this point.

Whois

The .ME Whois will not be available until Go Live. Applicants who face an auction will be given the identities and contact information of competing parties.

Activation of Domain Names

Names applied for during the Sunrise will be locked until at least the end of the Sunrise Challenge Period on 7 July 2008. The exact date of unlocking has yet to be confirmed by the .ME registry.

Names registered under the Land Rush can be activated immediately after the Second Quiet Period if they are not subject to an auction.

Auctions

Registrants will be notified of the date of an auction and given access to the .ME auction site where they must register to participate. Auctions will start on Sundays, Mondays and Tuesdays and last three days. The minimum opening bid will be \$75 and applicants may either:

- Place a maximum bid before the auction opens and allow an automated proxy service to bid for them; or
- Bid in real time

If the lead changes in the last 24 hours of the auction, it may be extended by 24 hours.

Winners will have 72 hours to arrange payment via credit card or wire transfer.

The .me auctions will be administered by a company affiliated to Go Daddy.

See the .ME auction site at <http://www.domain.me/index.php?page=21> for further details.

Premium Names

The .ME registry has reserved some 2,600 Premium Names, mostly generic terms in English or Serbian, which can be viewed at: http://www.domen.me/cms/site_files/dotME_Premium_Names.txt.

.ME registry expects to start auctioning Premium names in September 2008.

Our Services

We are an accredited registrar for the .ME Sunrise and will be offering registrations under the Sunrise, the Land rush and Go Live as well as providing a service in managing .ME auctions.

A downloadable application form is available at www.comlaude.com/me

Our Fees

Period	Term	Official .ME registry fees	Com Laude Service Fee	Total in £
General Sunrise for registered trade mark holders	Minimum 5 Year Registration	£80 per domain per year so £400 for 5 years	£150 for new applicants; £125 if you have registered before with us	£550 for new clients; £525 for existing clients. <i>This is for a five year term.</i>
Land Rush open to anyone	Minimum 2 Year Registration	£20 per domain per year so £40 for 2 years	£50 for all applicants	£90 <i>This is for a two year term</i>
Open / Go Live for anyone	Minimum 2 Year Registration	£8 per domain year so £16 for two years	£30 for all applicants	£46 This is for a two year term.
Auction assistance				£250 per auction

All fees are exclusive of VAT and must be paid within 30 days of invoicing.

For further information contact your client manager or:
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