



Create Your Opportunity

.CO Launch & Registration Rules

For Grandfathering,
Sunrise and Landrush

Version 1.4 – March 30, 2010

Contents

- INTRODUCTION 3
- OVERVIEW 4
- DEFINITIONS 5
- CHAPTER 1: GENERAL PROVISIONS 7
- CHAPTER 2: GRANDFATHER RULES 12
- CHAPTER 3: SUNRISE RULES 13
- CHAPTER 4: LANDRUSH RULES 19
- CHAPTER 5: MULTIPLE APPLICATIONS 19
- CHAPTER 6: GENERAL AVAILABILITY 19
- CHAPTER 7: MISCELLANEOUS 20

Introduction

The .CO Launch Plan (“Launch Plan”), also known as the “Gradual Offering Plan,” intends to provide for the allocation of Domain Names (as defined hereinafter) in the .CO top-level domain (“TLD”) in a fair, orderly and equitable manner. The multi-phased Launch Plan was designed to provide priority registration and other reasonable protections to certain prior rights holders and other key stakeholders before the Registry (as defined hereinafter) opens to the general public.

The Launch Plan involves a multi-phase allocation of Domain Names to qualified parties before the .CO Registry is opened for general registrations. The Launch Plan is intended to deter abusive and bad faith registrations of .CO Domain Names and to create a stable and effective launch of .CO Domain Names for the benefit of the Internet community on a local and global level.

This document sets forth the Rules governing the Launch Plan and the related Rules that will be executed by the Registry to create a stable and effective launch and fair registration process for the benefit of various stakeholders and the Internet community at large (hereinafter referred to as the “Launch & Registration Rules” or “Launch Rules”). Technical implementation and specifications for the Registry have been provided to Accredited Registrars (as defined hereinafter) separately.

These Launch Rules, as amended from time to time, constitute the complete rules, regulations, processes and protocols adopted by .CO Internet S.A.S. for the launch of the Registry, and shall be the only authoritative source for determining whether or not a particular Domain Name was applied for and/or allocated correctly during the course of the Launch Plan.

The Launch Plan, and the Launch Rules that govern it, were established pursuant to the authority granted by the Policies of Administration governing the .CO domain in Resolution 1652 of 2008, and in accordance with Law 1341 of 2009, issued by the Government of the Republic of Colombia, and expressed by the MINTIC (as defined hereinafter)¹.

The following table provides a summary of the four phases of the Launch Plan, each of which is described in greater detail below.

| | |
|--|--|
| <p>Phase 1: Grandfathering</p> | <p>Period during which only certain existing Registrants of (a) Third Level Name(s) are given the opportunity to register Domain Names identical to their existing Third Level Domain Name directly under the .CO TLD.</p> |
| <p>Phase 2: Sunrise</p> | <p>Sunrise “Local (A)”: Period during which holders of eligible trademarks that have obtained registered status by the Colombian trademark office can apply for their corresponding Domain Name(s) directly under the .CO TLD, insofar these Domain Names have not been registered at an earlier stage.</p> <p>Sunrise “Global (B)”: Period during which holders of trademarks of national effect that have obtained a registered status in their respective country or region anywhere in the world can apply for their corresponding Domain Name(s) directly under the .CO TLD, insofar these Domain Names have not been registered at an earlier stage.</p> |
| <p>Phase 3: Landrush</p> | <p>Period during which interested parties can seek to register Domain Names not previously registered through the Grandfather Process or Sunrise Process, or otherwise reserved by the Registry or Restricted by theses Launch Rules, but where the allocation of Domain Names is not done on a first-come, first-served basis.</p> |
| <p>Phase 4: General Availability</p> | <p>As from the start of this phase, Domain Names that have not been previously registered through Grandfathering, Landrush or the Sunrise Process, or have not been otherwise reserved, restricted, or identified as Premium Domain Names, can be registered on a first-come, first-served basis.</p> |

¹ <http://www.cointernet.com.co/sites/default/files/documents/politicas-dominio-CO.pdf>

Overview

Chapter 1 provides an overview of important general provisions, including information about the Application submission process and the responsibilities of Accredited Registrars, among other things.

Chapters 2, 3 and 4 contain details on the rules, processes and protocols for Grandfathering, Sunrise, and Landrush, respectively.

Chapter 5 describes the basic rules, processes and protocols in relation to multiple Applications for the same Domain Name during Sunrise and Landrush.

Chapter 6 describes the basic rules, processes and protocols in relation to General Availability.

Finally, **Chapter 7** contains miscellaneous obligations, liabilities and other terms and conditions related to and governing the various aspects of the Launch Plan.

Definitions

The definitions set out below and the terms and conditions included herein will apply for all Applications made during the various phases of the Launch Plan, until General Availability (as defined hereinafter):

| | |
|--------------------------|---|
| Accredited Registrar | means an entity that has entered into a contract with the Registry for the provision of Domain Name Registration services to Applicants or their agents in the .CO TLD; |
| Applicant | means a natural person, company or organization in whose name an Application is submitted with the Registry by an Accredited Registrar; |
| Application | means a complete, technically correct request for a Domain Name Registration made with the Registry, which complies with all the respective requirements provided for in these Launch Rules, and in particular the specific provisions that apply during the respective phase of the Launch Plan within which such request is made; |
| Application Data | means the data and data fields referred to in Chapter 3; |
| Auction Provider | means Pool.com; |
| Auction Rules | means the terms and conditions published by the Auction Provider on the .CO auction website; |
| Documentary Evidence | means the documentation to be provided by (or on behalf of) the Applicant to the Validation Agent, in accordance with these Launch Rules; |
| Domain Name | means a name at the second level within the .CO TLD; |
| Domain Name Holder | means the person or entity in whose name a Domain Name is (being) registered; |
| Domain Name Registration | means a Domain Name about which the Registry maintains data in the Shared Registry System for the .CO TLD; |
| Eligible Trademark | means a registered trademark that meets the requirements laid down in Chapter 3 hereof; |
| Grandfather Process | means the process described in Chapter 1, Section 1.2 and Chapter 2 hereof; |
| IP Clearinghouse | means the system made available by the Validation Agent for the pre-validation of Application Data, located at www.ipclearinghouse.co ; |
| Landrush | means the process described in Chapter 1, Section 1.2 and Chapter 4 hereof; |
| MINTIC | means the Ministry of Information Technology and Communications of the Republic of Colombia; |
| Premium Domain Name | means a Domain Name that can only be allocated and registered in accordance with the process described in Section 1.8.5; |
| PVRC number | means the pre-verification code that is issued when the Application Data for a particular Domain Name is successfully validated through the IP Clearinghouse; |
| Registration Fee | means the fee charged by the Registry to the Accredited Registrar for the registration of a Domain Name in the .CO TLD; |
| Registrant | means the person or entity in whose name a Third Level Name is registered; |

| | |
|------------------------------|--|
| Registry | means .CO Internet S.A.S., 701 Brickell Ave. Suite 1740, Miami, Florida (USA) and World Trade Center, Calle 100 No. 8 A – 49, Torre B of. 916, Bogota (Colombia), which is responsible for managing the .CO TLD; |
| Registry Web Site | means the various pages and websites available under or related to http://www.COinternet.co , including any web sites created by the Registry in cooperation with the Auction Provider and/or the Validation Agent relating to the .CO Launch Plan; |
| Resolution 1652 of 2008 | means the Administrative act ruled by MINTIC whereby among other things the Gradual Offering Plan guidelines (Article 12.1.2) has been established; |
| Reserved Domain Name List | means the list of reserved Domain Names referenced on the Registry Web Site; |
| Restricted Domain Name List | means the list of the restricted Domain Names as published on the Registry Web Site; |
| Rules | means this document, including the annexes and any and all interpretative guidelines published by the Registry in relation hereto, as may be amended from time to time; |
| Shared Registry System | means the system operated on behalf of the Registry that allows Accredited Registrars to apply for, register, renew and maintain Domain Names; |
| Specially Protected Marks | means the list of 100 brands identified by Deloitte on the basis of criteria they have defined independently in consideration of various industry best practices, as described on Deloitte's web site http://www.deloitte.com/be/brand-list and republished on www.ipclearinghouse.co , exclusive of any brands corresponding to Domain Names that have been previously allocated pursuant to the Grandfather Process; |
| Sunrise Period | means the timeframe set out in Chapter 1, Section 1.2, during which holders of eligible trademarks are entitled to submit Applications in accordance with the provisions laid down in Chapter 3 hereof; |
| Sunrise Pre-Registration Fee | means the fee charged by the Registry to the Accredited Registrar for the receipt and validation of an Application (and its Application Data) during the .CO launch or, when the IP Clearinghouse is used, for the pre-validation of Application Data, regardless of whether this is actually followed by a receipt of an Application; |
| Sunrise Process | means the process described in Chapter 1, Section 1.2, and Chapter 3 hereof; |
| Third Level Name(s) | means a domain name that is registered at the third level of the .CO TLD such as .com.co, .net.co and .nom.co; |
| TLD | means Top Level Domain; |
| UDRP | means the Uniform Dispute Resolution Policy, as adopted by ICANN and as described in http://www.icann.org/dndr/udrp/policy.htm ; |
| Validation Agent(s) | means Deloitte and Laga, the entities that will, under a contract with the Registry, render validation services to the Registry; |
| WIPO Standard ST.3 | means the “Recommended Standard on Two-Letter Codes for the Representation of States, Other Entities and Intergovernmental Organizations” maintained by WIPO (World Intellectual Property Organization) – see http://www.wipo.int/export/sites/www/standards/en/pdf/03-03-01.pdf . |

CHAPTER 1: GENERAL PROVISIONS

1.1. Scope; Parties Subject to these Rules

These Rules describe, among other items:

- i. the terms under which Applications can be submitted to the Registry during the various launch processes,
- ii. the way in which such Applications will be processed and, insofar these Applications are submitted during the Sunrise Period, validated by the Validation Agent,
- iii. the rules under which Applications or subsequent Domain Name Registrations may be challenged, and
- iv. in general, all the technical and administrative measures that the Registry shall use to ensure proper, fair, technically sound administration of the Launch Plan and set out the basic rules and procedures applicable to:
 - a. Applicants or anyone submitting an Application in its own name or on behalf of a third party with the Registry;
 - b. the Registry;
 - c. the Accredited Registrars;
 - d. any party submitting Application Data to the IP Clearinghouse;
 - e. any party in whose name a Reconsideration Request (as described in Chapter 3) is submitted;
 - f. the Validation Agent; and
 - g. Any person or entity interested in obtaining a Domain Name.

The provisions of this Chapter apply to any and all Applications and Domain Name Registrations made in the .CO TLD as of March 1st, 2010, in addition to the specific provisions set out in the following Chapters.

For the avoidance of doubt, these Launch Rules do not apply to Third Level Names or domain names registered at subsequent levels within the .CO TLD.

1.2. General Description of the Launch Plan

In order to ensure proper, fair, technically sound administration of the Launch Plan, the Registry has put in place the processes and procedures described in these Launch Rules, which will apply to Applications and/or Domain Name Registrations effectuated within the following timeframes:

| PHASE | TIMEFRAME | DESCRIPTION | APPLICABLE PROVISIONS |
|-----------------------------|--|--|---------------------------------|
| Grandfathering | March 1st, 2010 10am EST (UTC-5) until March 31st, 2010 2:00pm EDT (UTC-4) | Period during which certain existing Registrants of Third Level Names will be entitled to register their Third Level Names as Domain Names, subject to the provisions set out in Chapter 2; | Definitions Chapters 1 and 2 |
| Sunrise “Local (A)” | April 1st, 2010 2:00pm EDT (UTC-4) until April 20th, 2010 2:00pm EDT (UTC-4) | Period during which holders of trademarks that have obtained a registered status by the Colombian trademark office on or before July 30, 2008 will have the opportunity to safeguard such trademarks in the .CO TLD. If more than one Applicant has submitted an Application during this phase for an identical Domain Name, such Domain Name will be registered following the outcome of an Auction Process (as described in Chapter 5). | Definitions Chapters 1 and 3 |
| Sunrise “Global (B)” | April 26th, 2010 2:00pm EDT (UTC-4) until June 10th, 2010 2:00pm EDT (UTC-4) | Period during which holders of trademarks of national effect that have obtained a registered status in their respective country or region on or before July 30, 2008 will have the opportunity to safeguard such trademarks in the .CO TLD. If more than one Applicant has submitted an Application during this Phase for an identical Domain Name, such Domain Name will be registered following the outcome of an Auction Process (as described in Chapter 5). | Definitions Chapters 1 and 3 |
| Landrush | June 21st, 2010 2:00pm EDT (UTC-4) until July 13th, 2010 2:00pm EDT (UTC-4) | Period during which any interested party shall have the opportunity to submit one or more Applications for Domain Names that were not previously registered through the Grandfather and Sunrise Processes, or otherwise reserved by the Registry or Restricted by these Launch Rules. If more than two Applicants have submitted an Application during this phase for an identical Domain Name, such Domain Name will be registered following the outcome of an Auction Process (as described in Chapter 5). | Definitions Chapters 1 and 4 |
| General Availability | as of July 20th, 2010 2:00pm EDT (UTC-4) | Date as of which any party may obtain a Domain Name Registration for Domain Names that are still available, and this on a first-come, first-served basis. | Definitions Chapters 1 and 6 |

These phases correspond with those defined by the Government of Colombia, through Resolution 1652 of 2008, established by MINTIC.

The Registry may change the above dates and timeframes at its sole discretion, and publish such changes on the Registry Web Site.

1.3. Applying for and Registering Domain Names

1.3.1. Domain Names can only be applied for or registered with the Registry through an Accredited Registrar, who acts on behalf of the Applicant or Domain Name Holder, but for its own account.

1.3.2. The Registry will only effectuate a Domain Name Registration insofar and to the extent that:

- a. the Domain Name meets the criteria set out in Section 1.3.4 below;
- b. the Domain Name and the information contained in the Accredited Registrar's request meet the requirements laid down in these Launch Rules;
- c. the Domain Name is available; and
- d. the Accredited Registrar holds sufficient funds with the Registry.

1.3.3. The Registry, its directors, employees, contractors and agents (including the Validation Agent and the Auction Provider) are not a party to the agreement between an Accredited Registrar and its Applicants, its Domain Name Holders or any party acting in the name and/or on behalf of such Applicants or Domain Name Holders.

1.3.4. Every Domain Name must meet the following technical and syntax requirements:

- a. the A-label must consist exclusively of the letters A-Z (case insensitive) and the numbers 0-9;
- b. the Domain Name cannot begin or end with a hyphen;
- c. Spanish Internationalized Domain Names are permitted (e.g. á é í ó ú ü ñ) in the U-label;
- d. the Domain Name can only have two consecutive hyphens (--) in the 3rd and 4th positions, when preceded by "xn" and followed by a label that corresponds with an internationalized domain name containing characters referred to in (c) above;
- e. underline characters are not allowed;
- f. the Domain Name cannot exceed 63 characters (excluding the TLD);
- g. the Domain Name must have a minimum length of 3 characters.

1.4. Registrar Representations and Warranties

When submitting Applications to the Registry, or when effectuating a Domain Name Registration, the Accredited Registrar will ensure that the Applicant represents and warrants that:

- a. the Application contains true, accurate and up-to-date information and is made in good faith, for a lawful purpose and does not infringe the rights of any third party;
- b. it shall participate in good faith in any proceedings described in these Launch Rules commenced by or against the Applicant; and
- c. the Applicant accepts and will abide by these Launch Rules and any other applicable Registry rules, protocols, policies or procedures, including, but not limited to, the terms and conditions specified by Resolution 1652 of 2008.

1.5. The Registry's Right to Accept and Reject an Application or Accept, Revoke or Cancel a Domain Name Registration

The Accredited Registrar must ensure that Applicants and Domain Name Holders expressly acknowledge and accept that the Registry shall be entitled (but not obliged) to reject an Application or to delete, revoke, cancel or transfer a Domain Name Registration:

- a. that does not contain complete and accurate information as described in these Launch Rules, or is not in compliance with any other provision of these Launch Rules; or
- b. to protect the integrity and stability of the Shared Registry System, and/or the operation and/or management of the .CO TLD; or
- c. in order to comply with the political constitution, applicable laws, regulations, resolutions of the Republic of Colombia and/or any decision by a competent court or administrative authority and/or any dispute resolution service provider the Registry may hereafter retain to oversee the arbitration and mediation of disputes; and/or any other applicable laws, regulations, policies or decrees; or
- d. to avoid any liability on behalf of the Registry, including their respective affiliates, directors, officers, employees, subcontractors and/or agents; or

- e. following the outcome of a Sunrise Reconsideration Proceeding (as described in Chapter 3).

1.6. Payment to the Registry

The Registry shall only be obliged to accept an Application or Domain Name Registration request or to renew a Domain Name Registration once it has been unconditionally paid in full for such service by the Accredited Registrar appointed by the Applicant or Domain Name Holder.

Payment of any fees due, for which the Applicant, and ultimately the Domain Name Holder, is solely liable, must be made with the Registry via an Accredited Registrar. The Registry is not responsible for any failure on the part of the Accredited Registrar in this respect, including where such failure results in non-registration or cancellation of the Domain Name concerned.

1.7. Domain Names Unavailable for Registration

Certain Domain Names may not be available at the time when the Applicant submits an Application for a Domain Name during the Launch Plan.

This will in particular be the case for the following names:

- » Restricted Domain Names, being Domain Names that have been identified by the Colombian Government that cannot be registered;
- » Reserved Domain Names, being Domain Names that are or will be reserved for special uses by the Colombian Government, or have been reserved by the Registry, for its own operations;
- » Premium Domain Names, being Domain Names that have been reserved by the Registry and that will be made available for registration through auctions or at premium fixed prices, during the course of the Launch Plan, and after the start of General Availability,
- » Domain Names that have been registered in any previous phases will not be available. For example, if a Domain Name was registered in Sunrise “Local (A)” it will not be available during Landrush;
- » Domain Names that are still pending or in processing from a previous phase at the beginning of another phase. For example: Domain Names that are still pending processing of Sunrise “Global (B)” will not be available at the beginning of Landrush and/or until the

Application is resolved.

Applicants are recommended to verify on a regular basis whether or not the Domain Name(s) for which they wish to submit an Application are still available on the Sunrise .CO WHOIS database, located at www.COsunriselookup.co.

1.8. Domain Names Registered or Reserved by the Registry

- 1.8.1. The Registry shall be entitled to register Domain Names for its own purposes prior to the commencement of each phase of the Launch Plan, which Domain Names shall no longer be available in subsequent phases of the Launch Plan.
- 1.8.2. There will be a Restricted Domain List, and a Reserved Domain List, and a Premium Domain List.
- 1.8.3. The Restricted Domain Name List generally consists of Domain Names stipulated by the Colombian Government and will not be available for registration. The Restricted Domain List, as amended from time to time, is published by the Registry on the Registry Web Site.
- 1.8.4. The Reserved Domain Name List generally consists of Domain Names reserved by the Registry for promotional or other strategic purposes, some of which may be registered, and respectively allocated, by the Registry, from time to time, to pre-identified Domain Name Holders. Among other things, the Reserved Domain List consists of:
 - a. Domain Names that are reserved while processing the different phases of the Launch Plan. For example, Domain Names in the process of being validated or that have ended up in an auction from Sunrise “Local (A)”, before Sunrise “Global (B)” begins; and
 - b. Domain Names corresponding to Specially Protected Marks.
 - c. Certain Domain Names allocated pursuant to the .CO Founders Program, as defined on the Registry Web Site, intended to encourage the development on the .CO domain space prior to the public availability of .CO Domain Names. Domain Names allocated pursuant to the .CO Founders Program will be prominently listed on the Registry Web Site as they become allocated.
 - d. Domain Names used by the Registry for the

day-to-day operation of the Registry, or for other business or strategic purposes. This list is not intended to be exhaustive and is subject to amendment at anytime, and from time to time.

- e. All one and two character Domain Names, including all combinations of letters and digits, other than those allocated pursuant to Grandfathering.
- f. The countries and regions mentioned on the ISO 3166 names as Domain Names;
- g. All labels with hyphens in the third and fourth character positions <e.g., “bq--1k2n4h4b” or “xn--ndk061n”>

1.8.5. The Premium Domain Name List generally consists of Domain Names that are dictionary words and/or phrases reserved by the Registry that will be offered to the public via an auction process or a premium fixed price.

If a Premium Domain Name corresponds to an Eligible Trademark, the owner, licensee or assignee of such registered will still be entitled to submit an Application for such a Premium Domain Name. However, Applicant for such a Premium Domain Name will be required to submit Documentary Evidence of at least the following to the Registry, upon the latter’s request:

- i. proof that the trademark invoked by the Applicant is protected by at least five (5) Eligible Trademarks, registered in different jurisdictions (for the purposes of this paragraph, trademarks that are registered for a particular region, such as Benelux trademarks and Community trademarks count for only one jurisdiction);
- ii. proof of genuine use of such trademark by the Applicant, its licensees and/or assignees in all such jurisdictions for the products and/or services for which such trademark has been registered; and
- iii. any other Documentary Evidence indicated by the Validation Agent at his sole discretion.

1.9. Term of Registration

1.9.1. When registering the Domain Name, the Applicant

/ Domain Name Holder must select the number of years for which the Domain Name is registered (the “Term”). The Term shall commence on the date of registration of the Domain Name, and shall expire on the same day of the month within which the Domain Name was registered.

1.9.2. The Registry is under no obligation to inform the Domain Name Holder in advance when the Term is about to expire. The Registry shall be entitled to immediately suspend or cancel the Domain Name when the Domain Name Holder is in breach of these Launch Rules.

1.10. Domain Name Allocation Mechanisms

Unless provided for otherwise in these Launch Rules, the Registry shall register Domain Names on a first-come, first-served basis. This entails that, in principle, the first complete and technically correct request to register a Domain Name submitted by an Accredited Registrar and received by the Shared Registry System will result in a Domain Name Registration. However, in the context of the Launch Plan, other allocation mechanisms apply, as described further in these Launch Rules.

CHAPTER 2: GRANDFATHER RULES

2.1. Grandfather Process

Any Registrant shall be entitled to submit an Application of the corresponding Domain Name during the Grandfather Process. The Grandfather Process designed to allow Registrants the opportunity to register the matching Domain Name (e.g., domain.co) prior to any other Applicant.

- 2.1.1. Individuals or entities that are eligible to participate in the Grandfather Process can opt to secure their exact match Domain Name starting on March 1 and ending on March 31, 2010.
- 2.1.2. To be eligible for the Grandfather Process, the following rules apply:
 - a. the Applicant applying for the Domain Name must be the current Registrant of the Third Level Name;
 - b. the Third Level Name invoked in the Application must have been registered on or before July 30th, 2008;
 - c. the Third Level Names must be registered within .com.co, .net.co, .nom.co, .org.co and .edu.co;
 - d. the Domain Name applied for must be identical to the Third Level Name;
 - e. the Third Level Name on which the Application is based must not be expired on the moment that the Application has been submitted.
 - f. the Application has to be submitted within the period of the Grandfather Process; and
 - g. the Application must be submitted by an Accredited Registrar.
- 2.1.3. Third Level Names in the restricted extensions of gov.co and mil.co are not eligible for the Grandfather Process and will follow a different process handled by .CO Internet, which procedure shall be published on Registry Web Site.
- 2.1.4. The Grandfather Process will be accomplished by using the existing .CO domain transfer process. The Registry will identify all eligible Registrants and will register the Domain Names that are identical to the Third Level Names into the Shared Registry System with a 1-year registration. On March 1st, 2010, the Registry will send eligible Registrants (Registrant's email of record) an email containing instructions for transferring the Domain Names to one of the Accredited Registrars, and an authentication code.

- 2.1.5. The Registry reserves the right to request supporting documents, as necessary.
- 2.1.6. If more than one Domain Name qualifies for the Grandfather Process, priority will be given to the Applicant that holds the oldest corresponding registration at the third level of the .CO TLD. Therefore, the authorization code will only be sent to the highest priority Registrant. At the end of the Grandfather Process any Domain Names not applied for by the highest priority will be then offered to the second priority and so on. The number of Domain Names with potential multiple claims is very small. Any Domain Name that is registered by the Registry in the framework of this Grandfather Process will become unavailable in following phases of the Launch Plan. The allocation of all valid Applications will be executed as soon as the transfer process is finished.

2.2. Existing Second Level and Third Level Registrations

- 2.2.1. Commencing on February 7, 2010, Third Level Names within the following third levels will be available for registration globally: .com.co, .net.co and .nom.co. Registrations can be made through participating Accredited Registrars on a first-come, first-served basis.
- 2.2.2. Commencing on February 7, 2010, Third Level Names within the following third levels .org.co, .edu.co, .mil.co, and .gov.co, will be available for registration on a first-come, first-served basis to Registrants in Colombia and each following a specific set of restrictions for validation:
 - » .gov.co: Colombian Governmental entities or agencies;
 - » .edu.co: Educational institutions accredited by the Colombian Education Ministry;
 - » .mil.co: Entities or agencies of the Colombian Armed Forces;
 - » .org.co: non-for-profit entities based in Colombia;

For a list of all current restrictions and validation process please go to:

<http://www.cointernet.com.co/dominios/uso-restringido/>

2.2.3. Commencing on March 1, 2010, both Domain Names and Third Level Names will coexist within the .CO TLD as separate and independent domain name extensions within the .CO TLD.

2.2.4. Org.co: not-for-profit entities, institutions or collectives that are either incorporated or organized in Colombia or have a physical business location in Colombia.

CHAPTER 3: SUNRISE RULES

3.1. Sunrise Process

The Sunrise Process is divided into two sub-phases:

- » **Sunrise “Local (A)”** – during this phase, holders of Eligible Trademarks that have obtained a registered status with the Colombian trademark office the opportunity to apply for and register the Domain Names corresponding to these trademarks during a limited period of time.
- » **Sunrise “Global (B)”** – during this phase, holders of Eligible Trademarks of national effect, that have obtained a registered status in any country of the world, the opportunity to apply for and register the Domain Names corresponding to these trademarks during a limited period of time before registration is open to the public at large.

3.2. Eligible Trademarks

3.2.1. Principle

An “Eligible Trademark” is a trademark that has been registered, where the registration meets the following criteria:

- » for Sunrise “Local (A)”: the registration is issued by the Colombian trademark office, as referred to in the Application; and/or
- » for Sunrise “Global (B)”: the registration is issued by any competent public authority or intergovernmental organization referred to in the Application;

and

- a. the trademark registration has national effect (as described in Section 3.2.2); and
- b. the trademark has obtained a registered status on or before July 30, 2008; and

- c. the trademark registration is in full force and effect when the Application is validated by the Validation Agent.

3.2.2. Trademarks of National Effect

A trademark registration has “national effect” when the registration is issued by a trademark registration authority having jurisdiction over at least one entire nation, such as:

- a. national trademarks and service marks;
- b. Benelux trademarks; and
- c. Community trademarks (CTMs).

3.2.3. Excluded Signs or Rights

In particular, the following are not considered as Eligible Trademarks:

- a. trademarks or service marks for which an application for registration has been filed, but is not actually registered (or received a “registered” status) by the competent public authority or intergovernmental organization referred to in the Application on or before July 30, 2008, or has lapsed, been withdrawn, revoked or otherwise is no longer in full force and effect by the time the Application is validated by the Validation Agent;
- b. unregistered (including common law) trademarks or service marks;
- c. US state trademarks or service marks;
- d. international applications for the registration of trademarks, made through the Madrid system, unless these are based on or have resulted in a registered trademark of national effect as described above; and
- e. any other rights to a sign or a name, including domain names and trade names.

3.3. Syntax Requirements

3.3.1. Principle

During the Sunrise Period, the Domain Name applied for must be identical to all text or word elements contained in the Eligible Trademark. It shall not be possible for the Applicant to obtain a Domain Name Registration for a part of the complete name for which the Eligible Trademark exists, unless provided for otherwise below.

3.3.2. Exceptions

The following are technical exceptions to the principle described in Section 3.3.1.:

- a. If the Eligible Trademark invoked by the Applicant includes one or more spaces between words, the spaces may be removed entirely or replaced with a hyphen;
- b. If the Eligible Trademark invoked by the Applicant includes a special character (such as, but not limited to, -, @, !, \$, %, ^, © or &), these characters may, at the Applicant's sole discretion, be:
 - » eliminated entirely from the Domain Name; or
 - » transcribed; or
 - » replaced with a hyphen.
- c. If the Eligible Trademark includes letters with certain additional elements that do not exist in standard Latin script (such as "ä, é or ñ"), such letters may be:
 - » reproduced without such elements ("a", "e", "n"); or
 - » replaced by conventionally accepted spellings, (such as "ae"); or
- d. If the Eligible Trademark contains letters that are common in Spanish but do not form part of the letter-digit-hyphen repertoire (such as "é" or "ñ"), the provisions set out in the paragraph above evidently only apply to the Domain Name's U-label, and not to its A-label;

- e. If the Eligible Trademark includes letters like "á", "é", "í", "ó", "ú", "ü" "ñ", the Applicant will be entitled to change such characters in the Domain Name to the equivalent IDN characters. The Applicant will also be entitled to change such Characters in the Domain Name to the corresponding letters like "a", "e", "i", "o", "u", or "n".

The Applicant may eliminate references to a "trademark" such as "TM", "SM", and the like, references to a company type, such as S.A.S, Ltd., LLP, and the like shall, as well as references to existing TLDs from the text or word elements of the Eligible Trademark.

3.3.3. Text Elements in Figurative Signs

Applications may be based on a figurative sign or logo that is protected by an Eligible Trademark if the Validation Agent determines that the following conditions are satisfied:

- » the sign exclusively contains a name, or
 - » the word element is predominant, and can be clearly separated or distinguished from the device element,
- provided in each case that:
- » all alphanumeric characters (including hyphens, if any) included in the Eligible Trademark are contained in the Domain Name applied for, in the same order as that in which they appear in the sign, and
 - » the general impression of the word is apparent, without any reasonable possibility of misreading the characters of which the sign consists or the order in which those characters appear.

3.4. Contents of an Application During the .CO Sunrise

Accredited Registrars must provide in their Applications certain data concerning the Applicant and the Eligible Trademark invoked in such Applications. In order to be accepted for processing by the Registry, the Applications must contain the following data:

| FIELD | DESCRIPTION |
|---------------------|---|
| trademark_name | (mandatory) name for which an Eligible Trademark is claimed – description of such Eligible Trademark with the trademark office; |
| trademark_country | (mandatory) country, region, locality or organisation wherein the Eligible Trademark is registered (in accordance with the WIPO ST.3 standard); |
| registration_number | (mandatory) current registration number of the Eligible Trademark; |
| applicant_capacity | (mandatory) the capacity of the Applicant (owner, licensee or assignees of the Eligible Trademark), as referred to in Section 3.5. below; |
| PVRC_number | (optional/alternatively) reference number of the Application Data in the IP Clearinghouse. |

3.5. Eligible Applicants

3.5.1. General

Only the registered owners, licensees or assignees of Eligible Trademarks are eligible to submit Applications. Each Applicant is obliged to indicate its capacity in the respective Application.

3.5.2. License and Transfer Declarations

If the Applicant has obtained a license for a registered trademark in respect of which it claims an Eligible Trademark, or is the assignee of such Eligible Trademark, it must, upon request of the Validation Agent, submit a declaration form, a

template of which shall be made available by the Registry and the Validation Agent, duly completed and signed by the licensor or transferor of the relevant Eligible trademark and the Applicant. If the Applicant is a sublicensee, it shall enclose a second acknowledgement and declaration duly completed and signed by the ultimate owner of the Eligible Trademark concerned and the latter's licensee.

3.5.3. The Registry's Right to Reject Application or Revoke Domain Name Registration

The Registry may reject, revoke or delete at any time any Application or resulting registration of a Domain Name if it appears that the Applicant did not fulfill this requirement at the time of validation of such Application by the Validation Agent, without the Applicant or (any subsequent) Domain Name Holder being entitled to any reimbursement or compensation as a result of such rejection, revocation or deletion.

3.6. Validation in General

3.6.1. Applications submitted during the Sunrise Period are subject to validation as described in this Section, which is a condition precedent for the Registry to actually proceed to register the Domain Name referred to in the Application.

3.6.2. The Registry and the Validation Agent will not process an Application unless and until the Accredited Registrar has paid the corresponding Sunrise Pre-Registration Fee to the Registry. The Registry will not charge a Registration Fee unless and until the Applicant has effectively obtained a Domain Name Registration.

3.6.3. The Validation Agent shall inform the Registry of its findings in a manner agreed by and between them.

3.7. Post Validation

3.7.1. Principle

Upon request of the Registry, the Validation Agent will attempt to verify that:

- a. each of the Applications refers to an Eligible Trademark, based on a prima facie review of (i) the data contained in such Applications (ii) the data published by the trademark office or other applicable official organization referred to in the Applications and/or (iii) the Documentary Evidence provided by the respective Applicant upon request of the Validation Agent;

- b. the Domain Name corresponds to the designation protected by such Eligible Trademark, as described in Chapter 3 above; and
- c. the Applicant is the registered owner of the Eligible Trademark or, if the Applicant claims to be a licensee authorized to use the Eligible Trademark by the registered owner of the Eligible Trademark or the Applicant claims to be the assignee, that the registered owner of the Eligible Trademark has submitted the certification described in Section 3.6 above identifying the Applicant as a licensee or assignee authorized to file the Application.

If the Validation Agent is unable to validate the information contained in an Application in accordance with the process described above, the Registry shall be entitled to reject that Application.

3.7.2. Correct, Complete and Up-to-Date Information

The information contained in the Application shall be the initial basis on which the Validation Agent shall attempt to validate the Applications. It is the Applicant's responsibility to ensure that the information submitted with Applications (including any Documentary Evidence) is correct, complete, legible, accurate and otherwise sufficient to verify on a prima facie basis the validity of the claims made in the Applications. The Registry (including the Validation Agent) cannot be held liable for any failure to provide information and Documentary Evidence in accordance with the foregoing standard, regardless of whether Applications is accepted or rejected.

3.8. IP Clearinghouse

3.8.1. Principle

Applicants are entitled to have their Application Data pre-validated and, where necessary, corrected by using the IP Clearinghouse, which is a facility operated by the Validation Agent.

3.8.2. By way of the IP Clearinghouse, the Validation Agent will provide reasonable assistance to prospective Applicants in order to pre-validate Application Data and, where necessary, correct such data in order to enable Applicants to submit accurate and up-to-date Applications to the Registry in accordance with the terms and conditions of such IP Clearinghouse.

3.8.3. No additional fees will be due for the use of the IP Clearinghouse insofar and to the extent the Application Data will be used by the Applicant for submitting an Application during the Sunrise Period.

3.8.4. The use of the IP Clearinghouse is not obligatory and may be subject to additional terms and conditions.

3.8.5. As the Validation Agent is not an Accredited Registrar, the Applicant must also use the services of an Accredited Registrar in order to submit the actual Application on the basis of the information that has been pre-validated and provided by the IP Clearinghouse. The IP Clearinghouse will only make PVRs available to the Accredited Registrar and, as the case may be, the agent that has appointed the Accredited Registrar through the IP Clearinghouse.

3.9. Task of the Validation Agent

3.9.1. Principle

When validating Applications, the Validation Agent shall be entitled to rely on the information provided in such Applications.

3.9.2. General Requirements

The Validation Agent shall:

- a. carry out its tasks in an objective, transparent and non-discriminatory manner;
- b. have the right, but not the obligation, to conduct in its sole discretion its own investigations into the circumstances of the Applications, the information provided therein, and any Documentary Evidence received in the framework of the Sunrise Process; and
- c. be entitled to assist Applicants who are using the IP Clearinghouse in submitting accurate and up-to-date Application Data to the Registry.

3.9.3. No Right to Amend or Cancel Applications

The Validation Agent shall in principle not be entitled to amend or cancel Applications or Application Data, unless such Application Data has been processed through the IP Clearinghouse.

3.10. Documentary Evidence

3.10.1. Principles

By submitting Application Data and/or Applications, the Applicant agrees that, if requested by the Validation Agent, the Applicant or its Accredited Registrar will provide Documentary Evidence to verify the information in such Application Data and/

or Applications in accordance with the instructions given and timeframes indicated by the Validation Agent.

If no Documentary Evidence has been received by the Validation Agent within the specified timeframes or such Documentary Evidence is incomplete or inaccurate the Validation Agent shall notify the Registry accordingly.

Any Documentary Evidence submitted must contain at least an up-to-date electronic copy of an official document issued by the corresponding trademark office or trademark registry, or an up-to-date extract from an official online database operated and/or managed by the corresponding trademark office or trademark registry, proving that the Eligible Trademark invoked in the Application meets the standards set forth in this Chapter, the “Sunrise Rules”.

3.10.2. Demonstrable Use for Trademarks for Dictionary or Generic Words

If the Domain Name contained in an Application corresponds with a dictionary word or otherwise generic word or phrase, the Applicant may be required by the Validation Agent to submit the following:

- a. proof that the trademark invoked by the Applicant is protected by at least five (5) Eligible Trademarks, registered in different jurisdictions (for the purposes of this paragraph, trademarks that are registered for a particular region, such as Benelux trademarks and Community trademarks count for only one jurisdiction);
- b. proof of genuine, demonstrable, good-faith use of such registered trademark by the Applicant, its licensees and/or assignees in all such jurisdictions for the products and/or services for which such trademark has been registered; and
- c. any other Documentary Evidence indicated by the Validation Agent, in his sole discretion, that is deemed necessary to demonstrate clear, convincing, good-faith use of such registered trademark in the requisite jurisdictions.

3.10.3. Administrative Requirements

The Validation Agent may request an English or Spanish translation of any Documentary Evidence that is not drawn up in the English or Spanish language.

Any Documentary Evidence submitted to the Validation Agent needs to meet at least the following standards:

- a. the Documentary Evidence must be submitted as an electronic file in .PDF format and a maximum size of 1 Mb;
- b. electronic documents must be in DIN A4 or Letter standard layout;
- c. the contents must be humanly readable; and
- d. the Documentary Evidence must not be retouched or otherwise altered.

It is the sole responsibility of the Applicant to ensure that these requirements are complied with. Documentary Evidence sent to the Validation Agent by a third party in the name and on behalf of the Applicant shall be deemed to have been sent by the Applicant.

3.11. Sunrise Reconsideration Proceedings

3.11.1. Principle

A Sunrise Reconsideration Proceeding can be initiated by an Applicant whose Application has been rejected by the Registry (the “Appellant”), based on an assertion that its Application meets the requirements of these Sunrise Rules, and in particular the provisions contained in this Chapter 3.

3.11.2. Conditions

Sunrise Reconsideration Proceedings will only be considered by the Validation Agent if the following conditions are cumulatively met:

- a. the Validation Agent must have received a Reconsideration Request, which must be drawn up in accordance with the template made available by the Validation Agent and the Registry;
- b. any such Reconsideration Request must be received by the Validation Agent within ten (10) calendar days following the decision of the Registry to accept or reject the relevant Application; and
- c. insofar and to the extent the corresponding fees for the Sunrise Reconsideration Proceeding have been received in full by the Registry within the same timeframe of ten (10) calendar days following the decision of the Registry to accept or reject the relevant Application.

3.11.3. Additional Documentary Evidence

In the case of a Reconsideration Request, the Validation Agent may, in its sole discretion, request or accept additional Documentary Evidence from

the Appellant or the Complainant. Documentary Evidence must be provided in accordance with the Validation Agent's instructions and timeframes. If the Documentary Evidence requested by the Validation Agent is not provided in time or such Documentary Evidence is incomplete or inaccurate the Validation Agent is entitled to reject the Reconsideration Request.

3.11.4. Decision of the Registry

If, after review of the Request for Reconsideration and any information provided by either the Appellant that submitted the Reconsideration Request, the Validation Agent determines that the Applications in question did not meet the criteria laid down in these Sunrise Rules, the Validation Agent will notify the Registry. Upon receipt of such notice, the Registry will reject the applicable Applications with no refund of any fees or any other liability to the Appellant. If the Registry rejects an Application, the Validation Agent will then proceed with the validation of any other Application received by the Registry for the same Domain Name. If, after review of the Reconsideration Request, the Validation Agent determines that the Applications in question met the criteria laid down in these Sunrise Rules, the Validation Agent will notify the Registry. Upon receipt of such notice, if no other Reconsideration Requests of the Applications are pending, the Registry will accept the applicable Applications with no refund of any fees or any other liability to the Applicant.

3.11.5. Other Reconsideration Requests

The Appellant in a Reconsideration Request for a given Application shall accept as final the determination of the Registry in respect of that Reconsideration Request.

3.12. Representations and Warranties by Applicants in the Context of the .CO Sunrise Process

When submitting an Application, the Accredited Registrar will ensure that the Applicant represents and warrants that:

- a. the Applicant is the owner of the Eligible Trademark described in the Application, or is the assignee, or is a licensee, duly authorized by the holder of the Eligible Trademark described in the Application to use that Eligible Trademark as the basis for that Application;
- b. the Eligible Trademark mentioned in the Application

is and will be, on the date on which the Application Data is validated by the Validation Agent in the context of the Sunrise Process, a legally valid, registered and Eligible Trademark;

- c. any Documentary Evidence that is submitted by or on behalf of the Applicant shall be submitted in accordance with the procedures set out by the Validation Agent and the Registry; any Documentary Evidence submitted shall contain complete, accurate, up-to-date information as required by the Validation Agent and shall not be fraudulent.

3.13. Domain Name Availability and Allocation of Domain Names in the Context of the Sunrise Process

3.13.1. During the Sunrise Process, the Registry will only receive Applications for Domain Names that are still available. Any Domain Names that have been applied for and/or registered during or in the context of Sunrise "Local (A)" shall not be available in Sunrise "Global (B)".

3.13.2. As Domain Names will not be allocated on a first-come, first-served basis during the Sunrise Process, the time of receipt of an Application within a particular phase of the Sunrise Process (Sunrise "Local (A)", respectively Sunrise "Global (B)") is irrelevant for the allocation and registration of a particular Domain Name.

3.13.3. When the Registry has obtained more than one Application for an available Domain Name during a particular Sunrise phase, and more than one of these Applications have been successfully validated by the Validation Agent, all such successfully validated Applications will be submitted to the Auction Provider, who will award a Domain Name Registration in accordance with the Auction Rules, subject to the exceptions laid down in these Launch Rules.

The Auction Provider will invite all Applicants who have submitted an Application for a particular Domain Name that has been accepted by the Registry to participate to an auction process.

3.13.4. If the Registry has received only one Application for a particular Domain Name, and such Application is successfully validated by the Validation Agent, the Registry shall proceed with the Domain Name Registration, subject to the exceptions laid down in these Launch Rules, and charge the corresponding Registration Fee.

CHAPTER 4: LANDRUSH RULES

- 4.1. Subject to mandatory laws and the provisions of these Launch Rules, any interested party shall be entitled to submit one or more Applications during Landrush for any Domain Name that has not been reserved, restricted, registered or awarded by the Registry in the context of any of the processes or phases preceding the Landrush, and meet the technical requirements imposed by the Registry.
- 4.2. Any and all Applications received by the Registry during Landrush shall be deemed received at the same time. Following the closing of the Landrush process, the Registry shall:
 - a. directly award a Domain Name Registration to the Applicant if the latter's Application was the only one received during Landrush; and
 - b. inform the Auction Provider of the Domain Names and their corresponding Applicants if the Registry has received more than one Application for a particular Domain Name. In such case, the Registry shall award a Domain Name Registration to the Applicant following notification by the Auction Provider.

CHAPTER 5: MULTIPLE APPLICATIONS

Domain Names that receive only one Application and are successfully verified according to these Launch Rules will be allocated to the respective Applicant.

If a Domain Name receives more than one qualified Application during a particular phase of the Launch Plan (Sunrise "Local (A)", Sunrise "Global (B)" or Landrush), an auction will be held for such Domain Name between the qualified Applicants within such phase, instead of being allocated on a first-come, first-served basis. All Applications received within a particular phase of the

Launch Plan, including Sunrise "Local (A)", Sunrise "Global (B)" and Landrush, will be treated as though they were received at the same time during such phase.

Prior to the commencement of an auction, each qualified bidder will be provided with the required information necessary to participate in the relevant auction. No auction will be conducted for Domain Names with only one qualifying Applicant.

CHAPTER 6: GENERAL AVAILABILITY

6.1. Subject to mandatory laws and the provisions of these Rules, any party shall be entitled to request a Domain Name Registration with the Registry following the start of General Availability for those Domain Names that have not been registered during the phases preceding General Availability and meet the technical requirements imposed by the Registry.

The Registry shall effectuate such Domain Name Registration on a first-come, first-served basis, subject to the terms and conditions laid down herein.

6.2. Any person in the world will have the opportunity to register a Domain Name at any time after General Availability commences. The date referenced for the commencement of General Availability in these Launch Rules is subject to change, and an Applicant's right to register Domain Names is subject to the official launch date of General Availability, irrespective of whatever date may be recorded in this Launch Rules document or other previously published materials.

CHAPTER 7: MISCELLANEOUS

7.1. Amendments

The Registry may amend the provisions of these Launch Rules from time to time, which amendments will take effect at the time they are published on the Registry Web Site, without prior notice to Accredited Registrars, Domain Name Holders and/or Applicants. The Registry may furthermore issue interpretative guidelines on the Registry Web Site regarding the terms and provisions of these Launch Rules.

If any part of these Launch Rules shall be found invalid or unenforceable for any reason, the remainder of these Launch Rules shall be valid and enforceable as if such provision was not included therein.

The invalid provision shall be substituted for any such provision that, as far as is legally possible, comes nearest to the sense and purpose of these Launch Rules.

7.2. Limitation of Liability

To the extent allowed under governing law, the Registry shall only be liable in cases where willful misconduct or gross negligence is proven. In no event shall the Registry be held liable for any indirect, consequential or incidental damages or loss of profits, whether contractual, based on tort (including negligence) or otherwise arising, resulting from or related to registration or use of a Domain Name or to the use of the Shared Registry System or Registry Web Site, even if they have been advised of the possibility of such loss or damages, including but not limited to decisions taken by the Registry to register or not to register a Domain Name on the basis of the findings of the Validation Agent, as well as the consequences of those decisions.

To the extent allowed under applicable law, the Registry's aggregate liability for damages shall in any case be limited to the amounts paid by the Accredited Registrar to the Registry in relation to the Application concerned (excluding additional fees paid by the Applicant to the Accredited Registrar or reseller, auction Fees and/or reconsideration Fees). The Applicant agrees that no greater or other damages may be claimed from the Registry (such as, but not limited to, any fees payable or paid by the Applicant in the context of any proceedings initiated against a decision by the Registry to register or not to register a Domain Name). The Applicant further agrees to submit to a binding arbitration for disputes arising from the Launch Plan and related to the allocation of Domain Names.

Applicants and Domain Name Holders shall hold the Registry harmless from claims filed or disputes initiated by third parties, and shall compensate the Registry for any costs or expenses incurred or damages for which they may be held liable as a result of third parties taking action against it on the grounds that the Applications for or the registration or use of the Domain Name by the Applicant infringes the rights of a third party.

For the purposes of this Section, the term "Registry" shall also refer to its shareholders, directors, employees, members, subcontractors, the Validation Agent and their respective directors, agents and employees.

7.3. Governing Law and Jurisdiction

These Launch Rules, as amended from time to time, will be governed by the laws of the Republic of Colombia.

Any disputes arising under or in connection with these Launch Rules, including requests for specific performance, shall be exclusively resolved through binding arbitration conducted pursuant to the rules of the Centro de Arbitraje de la Cámara de Comercio de Bogotá. The arbitration shall be conducted by a single member panel, in the Spanish language, and shall occur in Bogotá, Colombia.

The UDRP shall apply to disputes relating to Domain Names that have been registered as of the start of the Grandfather Process; the World Intellectual Property Organization (WIPO) Arbitration and Mediation Center shall receive complaints under the UDRP in relation to Domain Names registered in the .CO TLD under its general and supplemental rules.

