

### **3. Whois Verification and Domain Name Allocation Rules During General Availability**

3.1. All Applications for domain names in the TLD are processed on a first-to-apply basis.

The Registry will conduct Enhanced Whois Verification and Third Party Rights Check on all Applications within 5 (five) Business Days of receiving the Applications.

#### **3.2. Enhanced Whois Verification**

In order to ensure the highest levels of accuracy of registration data, the Registry will use commercially reasonable efforts to verify the Whois information (Registrant's name, physical address, telephone, and email address, but not the Administrative, Technical or Billing Contacts) at the time of registration and transfer. Further, the Registry may contact the Registrant from time to time to comply with the policies herein.

3.2.1. Where the Registry is unable to verify any part of the Whois information, it may contact the Registrar and/or the Applicant directly and ask that the inaccurate or incomplete Whois information be corrected or further documentary evidence to be submitted. For the purposes of Enhanced Whois Verification, the Registry may request documentary evidence (such as a valid passport, driving licence, certificate of incorporation, business licence).

3.2.2. Failure to provide accurate Whois Data and/or documentary evidence at the request of and within the time limit specified by the Registry may result in the lock, suspension or cancellation of an Application or Registration.

#### **3.3. Third Party Rights Check**

The Registry will conduct a check on the Application to satisfy itself that there is no risk of the Application leading to actual or potential infringement of third party rights on the actual name or a confusingly similar name in the ticketing industry ("Third Party Rights Check"). Upon its commercially reasonable checks, if the Registry, in its sole discretion, determines that such risk of third party rights' infringement may exist, the Application is held in Pending Create status for up to 60 days during which time it is Advertised on the Challenge Board of the registry-managed Advertisement Website <http://domains.watch>. During the Advertisement Period, third parties with Eligible Rights in the Requested Name may submit Competing Applications for the identical domain name. If the Competing Applicant is able to demonstrate an eligible right in the Requested Name, and the Applicant is unable to do so before the end of the Advertisement period, the domain will be registered to the Competing Applicant in accordance with Section 3.7 below.

3.4. At any point during the Advertisement Period the Applicant may apply to Expedite its Application by submitting evidence of an Eligible Right in the Requested Name. If the Registry is satisfied at its sole discretion that such an Eligible Right exists, it will terminate the Advertisement Period and the Requested Name will be registered to the Applicant and will be published on the Registration Board. |” The purpose of publication to the Registration Board is not to enable Competing Applications to Challenge, but to help ensure that all registered names adhere to all terms of the tickets policy. Any infringement of trademarks may result in other proceedings such as URS or UDRP. The Applicant and the Applicant's Registrar will be notified

of the successful outcome of the Application. Any Competing Applicants for the Requested Name will be notified accordingly.

- 3.5. If the Registry, in its sole discretion, is satisfied that the Application does not pose the risk of third party rights' infringement stated in section 3.3, it will approve the Application (subject to Enhanced Whois Verification) and publish the Registered Name on the Registration Board of <http://domains.watch> for a period of time determined by the Registry. Registered Names published on the Registration Board will not be open to Competing Applications.
- 3.6. The Registry will in no way be held liable for implications arising from its checks and decisions from Enhanced Whois Verification and Third Party Rights Checks, including lost application fees or any other loss whether or not such a loss was foreseeable.

#### **Competing Application**

- 3.7. A Competing Application may only be submitted during the Advertisement Period. The Competing Application may only be for a .tickets domain name identical to a Requested Name listed on the Registry Website. A Competing Application must be submitted through <http://domains.watch> prior to the expiration of the Advertisement Period.
  - 3.7.1. The Advertisement Period for each Application will last for a maximum of sixty (60) days and the start date of each Advertisement Period for each Application will be published on <http://domains.watch> website.
  - 3.7.2. While the Advertisement Period will last for a maximum of sixty (60) days, the Advertisement Period for all Applications may be terminated by the Registry if the Applicant successfully applies to Expedite an Application by submitting evidence of an Eligible Right in the Requested Name. In such cases the termination of the Advertisement Period will be published on the <http://domains.watch> website.
  - 3.7.3. A Competing Application made outside the Advertisement Period will be rejected.
  - 3.7.4. A Competing Application is subject to the payment of a Competing Application Fee which must be paid to the Registry or the Registry's appointed service provider at the time the Competing Application is submitted.
  - 3.7.5. For a Competing Application to be considered valid, it must:
    - (a) contain the Competing Applicant's full and correct contact details including name, entity details, address, telephone and email addresses and this information will be subject to and must pass Enhanced Whois Verification;

AND

    - (b) contain evidence of a demonstrable Eligible Right as set forth in Section 3.8 below.
  - 3.7.6. Competing Applications that do not pass either one or both of these 2 (two) criteria will be rejected and the Competing Applicant will be notified by the Registry.
  - 3.7.7. When a Competing Application is received by the Registry the Registry will notify the Applicant of that fact and will invite the Applicant to submit evidence of an Eligible Right in the Requested Name. Applicants will at any point throughout the Advertisement Period be entitled to submit evidence of an Eligible Right in the Requested Name. If the Registry is satisfied that such an Eligible Right exists, it will terminate the Advertisement Period and the Requested Name will be registered to the Applicant. The Applicant and its Registrar will be

notified of the successful outcome of the Application. The Competing Applicant(s) for the Requested Name will be notified accordingly. The Competing Application Fee shall not be refunded.

- 3.7.8. If the Applicant fails to demonstrate to the Registry the existence of an Eligible Right in the Requested Name, the Requested Name will be awarded to the Competing Applicant with the first filed valid Competing Application. In such cases, the Competing Applicant will be notified accordingly with instructions to complete the Registration of the Requested Name. The Applicant and its Registrar will be notified of the unsuccessful outcome of the Application.

### **3.8. Eligible Right**

An Eligible Right in respect of a Requested Name is one of the following:

- (a) A nationally or regionally registered trade mark registered in respect of tickets or ticketing goods or services;

OR

- (b) A name or other term that, while not registered as a trade mark, has been used in trade to distinguish the tickets or ticketing goods or services of one undertaking from those of another.

Non-exhaustive examples of tickets and ticketing goods or services are set out in Appendix 1 to this policy for guidance to Applicants. What constitutes tickets or ticketing goods or services for the purposes of this policy will be decided by the Registry at its sole discretion.

- 3.8.1. A registered trade mark upon which an Eligible Right is claimed must be registered in a jurisdiction that examines trade mark applications on absolute and relative grounds prior to registration AND carries out pre-registration opposition proceedings OR, in the case of a trade mark registered in a jurisdiction that operates post-registration opposition proceedings, the post-registration opposition period must have expired.
- 3.8.2. A registered trade mark upon which an Eligible Right is claimed must be in force at the date the Eligible Right is examined for the purposes of assessing any Application or Competing Application.
- 3.8.3. An Eligible Right in respect of a Requested Name that is either the personal name or the performing name or other pseudonym of an artist or other performer or collective will only be considered valid if the Applicant or Competing Applicant is the holder of that name i.e. the artist or other performer or collective or that holder's appointed representative.
- 3.8.4. An Eligible Right in respect of a Requested Name that is the name of an entertainment, sporting, cultural or educational event, such as a concert, theatrical performance, sports match or exhibition will only be considered eligible if the Applicant or Competing Applicant is the owner of the registered or unregistered trade mark rights in that name in respect of that entertainment, sporting, cultural or educational event or that owner's appointed representative or a group company.
- 3.8.5. An Eligible Right in respect of a Requested Name that is either the trade mark, trading name or company name of a travel services provider, such as an airline, train, coach, ferry or cruise service, or a booking or travel agent for such a travel services provider, will only be

considered eligible if the Applicant or Competing Applicant is the owner or legally-recognized assignee of the trade mark, trading name or company name in respect of that travel services provider or a booking or travel agent or that owner's appointed representative or a group company.

- 3.8.6. An Eligible Right in respect of a Requested Name that is either the trade mark, trading name or company name of a lottery will only be considered eligible if the Applicant or Competing Applicant is the owner or legally-recognized assignee of the trade mark, trading name or company name of that lottery or that owner's appointed representative or a group company.
- 3.8.7. An Eligible Right in respect of a Requested Name that is either the name of an entertainment venue or other building such as a sports stadium, concert hall, theatre, museum will only be considered eligible if the Applicant or Competing Applicant is the owner or legally-recognized assignee of that venue or building or that owner's appointed representative or a group company.
- 3.8.8. An Eligible Right in respect of a Requested Name that is either the name of a travel interchange or terminus such as an airport, train or bus station will only be considered eligible if the Applicant or Competing Applicant is the owner or legally-recognized assignee of that travel interchange or terminus or that owner's appointed representative or a group company.
- 3.8.9. An Eligible Right must exactly match the Requested Name and any supporting evidence supplied, subject to the following exceptions:
- (a) 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;
  - (b) Characters "@" and "&" may additionally be spelled out with "at" or "and" respectively;
  - (c) Accents on accented characters may be omitted;
  - (d) Company identifiers such as Limited or Ltd may be omitted from the Requested Name; and
  - (e) Eligible Rights which end in the word "Tickets" may omit that word from the Requested Name.

What constitutes an exact match shall be in the Registry's sole discretion.

- 3.8.10. An Eligible Right claimed on the basis of a composite sign that includes a figurative element (e.g. stylisation or logos), the part of the sign which is being claimed as an Eligible Right must be:
- (a) predominant;
  - (b) clearly separable or distinguishable from the figurative element; and
  - (c) in the same order as the Requested Name.
- 3.8.11. An Eligible Right must be demonstrated to the Registry by the submission by the Applicant or Competing Applicant of evidence in accordance with the instructions and timeframes communicated by the Registry.

Applicants can demonstrate an Eligible Right based on a registered trade mark by providing the following information:

- (a) The text of the trade mark as registered;

- (b) The registration number of the relevant trade mark;
- (c) The date of registration;
- (d) The jurisdiction of registration of the trade mark;
- (e) The name of the registered owner of the trade mark or documentary evidence confirming that the Applicant is authorised by the registered owner of the trade mark to make the Application and have the domain name registered to it; and
- (f) The address of the registered owner of the trade mark.

Applicants can demonstrate an Eligible Right based on an unregistered name or other term by providing at the request of the Registry, one or more of the following types of evidence which must contain the full text of the Eligible Right in a clear and stand-alone format:

- (a) Dated tickets;
- (b) Dated advertising and marketing materials for tickets or ticketing goods or services (e.g. brochures, pamphlets, catalogues, product manuals, displays or signage, press releases, screen shots, social media marketing materials etc.);
- (c) Links to websites, screen shots from websites relating to the sale or advertisement of tickets or ticketing goods or services;
- (d) Headed and dated stationery, receipts, invoices relating to the sale or advertisement of tickets or ticketing goods or services; or
- (e) Dated photographs or scans of product labels, tags or containers demonstrating the sale or advertisement of tickets or ticketing goods or services.

#### 3.8.12. Other points to note in respect of evidence of an Eligible Right:

- (a) Use may be by a previous proprietor of the Eligible Right (this will necessarily be the case if the mark has been assigned prior to the application for the Requested Name);
- (b) Using a mark on goods or their packaging where the goods are intended for export constitutes use;
- (c) Use by a third party with the proprietor's consent (for example, under licence) constitutes use;
- (d) Use arises where the mark is used in accordance with its essential function, which is to guarantee the identity of the origin of tickets or ticketing goods or services;
- (e) Use is not a question of quantity of use. Minimal use of the mark in accordance with its essential function constitutes use;
- (f) Use designed merely to preserve a trade mark registration is not use;
- (g) Internal use within an organisation or a group is not use, but dealings with other businesses are, even where the tickets or ticketing goods or services do not ultimately reach the end consumer; and
- (h) Use by a non-profit organisation can include public-facing use for non-profit purposes.

What constitutes complete and satisfactory evidence of an Eligible Right shall be in the Registry's sole discretion.

3.8.13. Applicants or Competing Applicants will submit, via the <http://domains.watch> website, no more than 10MB of documentary evidence in support of each Application or Competing Application. Further pages need not be considered by the registry.

3.8.14. If no documentary evidence has been received by the Registry within 5 Business Days of a request, or such evidence is in the opinion of the Registry incomplete, inaccurate or

- otherwise inadequate to demonstrate the existence of an Eligible Right in the Requested Name, the Registry shall notify the Applicant and/or the Competing Applicant(s) accordingly.
- 3.8.15. The Application or Competing Application and evidence must be submitted in such format and such manner as the Registry may specify from time to time.
  - 3.8.16. Any evidence submitted to the Registry shall contain accurate and up-to-date information as required by the Registry and shall not be fraudulent.
  - 3.8.17. Evidence shall not contain defamatory materials or information that is confidential to any third party. Any such materials may be disregarded by the Registry.
  - 3.8.18. It is the sole responsibility of all Applicants and Competing Applicants to ensure that these requirements are complied with. Evidence sent to the Registry in the name of or on behalf of the Applicants and Competing Applicants shall be deemed to have been sent by the Applicant.

### **3.9. Registry decisions binding**

The Registry's checks, assessments and decisions on the Enhanced Whois Verification, Third Party Rights Check, Advertisement, Competing Applications are final and binding on the applicants, competing applicants, and registrants.

### **3.10. Representations and Warranties by Applicants**

By submitting an Application, the Applicant represents and warrants that all information supplied to its Registrar, the Registry or any appointed services provider to the Registry is true and accurate. The Registry reserves the right to deny, suspend, transfer and/or cancel a .tickets domain name registration at any time that it finds that any registrant information or any other information supplied in connection with an Application during the Assessment of the application is incorrect, incomplete or fraudulent, or if the domain name is being used in contravention of its Acceptable Use Policies. If any person or organisation has found any abusive or illegal practices under a .tickets domain name please contact [tickets.abuse@centralnic.com](mailto:tickets.abuse@centralnic.com) or submit a complaint via the Registry Website.