

# Launch Policy

## Definitions

In this document:

**Allocation** means the method by which a domain name is created and assigned to an Applicant; **Allocated** shall have a corresponding meaning.

**Applicant** means a natural person, company or organisation in whose name an Application is submitted.

**Application** means the complete and technically correct request for a domain name, which complies with this policy and any other policy issued by us, or ICANN.

**Claims Notice** means a notice provided to an Applicant indicating that the applied for Label is a Trademark Match to a Trademark Record in the Trademark Clearinghouse.

**Claims Services** means the services that collectively provide:

- Applicants with a Claims Notice; and
- Trademark Holders, with a corresponding Trademark Record, with notice that a Label that is a Trademark Match to the Trademark Record is Allocated.

**Claims Period** means any period during which the Claims Services are provided.

**Contracted Group** means any party that has executed a formal agreement with Phys Biz Pty Ltd ACN 146454748 for the use of a domain name in the TLD.

**Eligible for Allocation** means a domain name that we assign, designate or otherwise earmark to an Applicant following technical substantiation and conclusion of any applicable auction proceedings.

**General Availability** means the point in time following which requests to register a domain name may be received from any eligible party on a first come, first served basis.

**General Registration** means the point in time after the conclusion of the Sunrise Period in which domain names are generally available for registration by all interested parties that are qualified to register domain names in the TLD.

**ICANN** means the Internet Corporation for Assigned Names and Numbers, its successors and assigns.

**ICANN Registry Agreement Date** refers to the date on which we executed the new gTLD Registry Agreement for the TLD with ICANN and shall mean 1 May 2014.

**Label** means a string of characters used to form part of a domain name. The elements of a domain name and their composition are more fully described in our *Domain Name Composition Policy* which can be found in the policy section at the following link <http://www.nic.physio>.

**Landrush Period** means a period between the Sunrise Period and General Availability during which Applications for a domain name may be received from any interested eligible party.

**Launch Program** means the Sunrise Period, Limited Registration Period and the Landrush Period described in this document but does not include General Availability.

**Limited Registration Period** means a period during which Applications for domain names are limited to certain eligible Applicants.

**Limited Registration Period Eligibility Requirements** means the requirements outlined in this policy that an Applicant must meet to participate in the Limited Registration Period

**Registrar** means an entity that is authorised to offer domain name registration services in relation to the TLD.

**Service** means the services that we provide in relation to the TLD.

**SMD File** means the Signed Mark Data file provided by the TMCH Sunrise and Claims Operator to a holder of a Validated Mark which is encoded with information such as the Labels that may be Allocated during a Sunrise Period.

**Sunrise Eligibility Requirements** means the requirements outlined in this policy that an Applicant must meet to participate in the Sunrise Period.

**Sunrise Period** means the period during which Sunrise-Eligible Rights Holders have the opportunity to submit an Application for a domain name in the TLD prior to the Landrush Period.

**Sunrise Registration** means a domain name Allocated to a Sunrise-Eligible Rights Holder and applied for during the Sunrise Period.

**Sunrise-Eligible Rights Holders** means Trademark Holders who have been issued with a SMD File from the TMCH Sunrise and Claims Operator and meet the Sunrise Eligibility Requirements specified in this policy.

**TLD** means Top Level Domain and for the purpose of this policy the TLD shall be .physio

**TLD Reveal Date** refers to the date that ICANN announced our Application for the TLD and shall mean 13 June 2012.

**TMCH Sunrise and Claims Operator** means the providers appointed by ICANN to serve as the Trademark Clearinghouse by accepting, authenticating, validating and facilitating the transmission of information related to certain trademarks.

**Trademark Clearinghouse Guidelines** means the guidelines which can be found at the following link [www.trademark-clearinghouse.com](http://www.trademark-clearinghouse.com) (as may be updated from time to time) which provide an overview of the requirements for the inclusion of trademarks in the Trademark Clearinghouse and the issuance of a SMD File.

**Trademark Clearinghouse** means the central repository for information to be authenticated, stored, and disseminated, pertaining to the rights of Trademark Holders.

**Trademark Holder** means holders of marks that have been verified by the TMCH Sunrise and Claims Operator as meeting the requirements specified in the Trademark Clearinghouse Guidelines.

**Trademark Match** means that a Label is a match to a trademark, as described in the Trademark Clearinghouse Guidelines.

**Trademark Record** means a complete and correct set of information concerning a trademark or other mark submitted to the Trademark Clearinghouse.

**Validated Mark** means a mark that has been verified by the TMCH Sunrise and Claims Operation as meeting the requirements specified in the Trademark Clearinghouse Guidelines including those relating to proof of use.

**We, us and our** means Phys Biz Pty Ltd ACN 146454748 or our designated representatives.

## About this document

This document describes our policy regarding the Launch program for the TLD.

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## Purpose

The purpose of this document is to describe our Launch Program policy for the TLD.

This Launch Program was designed to facilitate a fair, orderly and equitable introduction for the TLD, whilst granting priority to certain rights holders. Additionally, it will act as a deterrent to abusive and bad faith registrations.

The launch policy describes, amongst other things:

- The terms by which eligible parties may submit an Application during the Launch Program; and
- The manner in which Applications will be processed, validated and Allocated.

This policy applies to:

- Persons or entities submitting an Application; and
- Registrars.

## Introduction

The Launch Program was designed to:

- Provide certain protections to the various entities described in this policy;
- Comply with ICANN's requirements for the TLD; and
- Prioritise certain Applications for domain names.

The Launch Program will consist of a number of different periods, each of which is described in this policy. Specific information and requirements for those wishing to participate in the launch of the TLD are detailed in relation to each of those periods.

## Background to the launch program

ICANN requires that we, in our management of the TLD, implement certain Rights Protection Mechanisms (often referred to as RPMs) to discourage or prevent registration of domain names that violate or abuse another party's legal rights.

Rights Protection Mechanisms may exist in different forms dependant on the stage or period of operation of the TLD. Some Rights Protection Mechanisms exist for a defined period of time, whilst others may subsist or become active as a result of certain conditions.

Details about ICANN's requirements for Rights Protection Mechanisms can be found on the ICANN website at the following link <http://newgtlds.icann.org/en/about/trademark-clearinghouse>.

## About us, rights protection mechanisms and the trademark clearinghouse

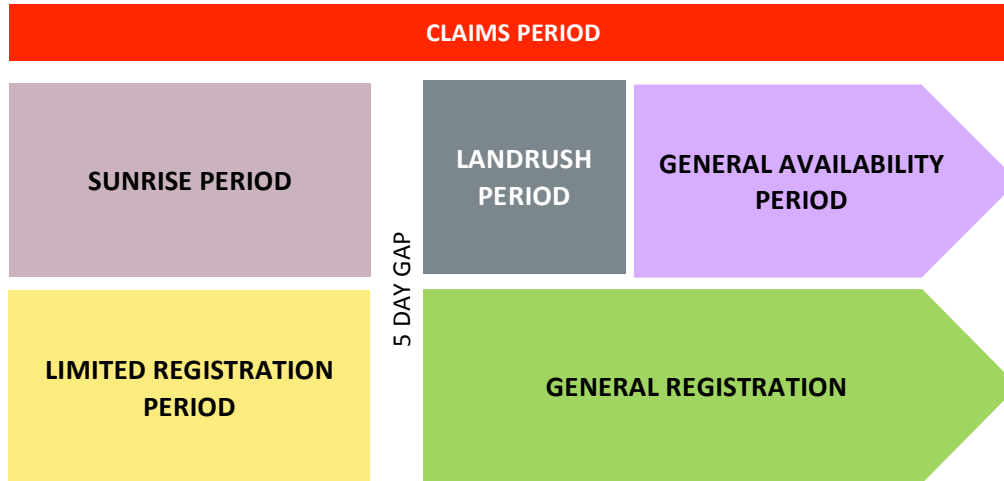
ICANN has established the Trademark Clearinghouse and associated processes and procedures so that we can comply with our obligation to implement Rights Protection Mechanisms.

ICANN has appointed providers, the TMCH Sunrise and Claims Operator(s), to operate the Trademark Clearinghouse. Our implementation of the Service has been integrated and tested with the TMCH Sunrise and Claims Operator. Information about the Trademark Clearinghouse and the TMCH Sunrise and Claims Operator can be found at the following link <http://trademark-clearinghouse.com/>.

Where applicable our role is to verify the information provided by a Registrar to us, with that information that is contained in the Trademark Clearinghouse. We do not make any decisions about the validity or use of a mark or its inclusion in the Trademark Clearinghouse.

## The launch program overview

The following diagram illustrates the timing of the Sunrise Period, Limited Registration Period, Landrush Period, Claims Period and General Availability:



The following is a brief overview of each of the periods that will be implemented in launching the TLD. These periods are described in greater detail in the relevant sections of this document. This policy is not applicable to General Availability.

	Commencement Date/Time	Claims Period	Duration in Calendar Days	Conclusion Date / Time	Overview
Sunrise Period	01 September 2014 at 00:00 UTC	No	60	31 October 2014 at 23:59 UTC	Period during which Sunrise-Eligible Rights Holders, presenting a SMD File, have the opportunity to submit an Application for a domain name in the TLD prior to the Landrush Period.
Limited Registration Period	01 September 2014 at 00:00 UTC	Yes	60	31 October 2014 at 23:59 UTC	Period during which Applications for domain names are limited to certain eligible Applicants.
Landrush Period	05 November 2014 at 00:00 UTC	Yes	30	05 December 2014 at 23:59 UTC	Period during which Applications for a domain name may be received from any interested eligible party. Multiple Applications for the same domain name are resolved by auction during this period.
General Availability	06 December at 00:00 UTC	Yes - concludes on 06 March 2015 at 23:59 UTC	Ongoing	Ongoing	Point in time following which requests to register a domain name may be received from any eligible party on a first come, first serve basis.

## Launch program period descriptions

### Sunrise Period overview

#### What is a Sunrise Period?

A Sunrise Period operates to allow entities that meet defined criteria the ability to submit an Application for a domain name in the TLD.

In order to meet ICANN's requirements, the Sunrise Period for the TLD will be restricted to Sunrise-Eligible Rights Holders.

Multiple Applications for a domain name during the Sunrise Period are resolved by auction.

#### How does a Sunrise Period operate?

In order to participate in a Sunrise Period the Sunrise-Eligible Rights Holder must:

- Have met all the requirements to obtain a SMD File as described in the Trademark Clearinghouse Guidelines;
- Meet any of the additional requirements that we have described in this document or any other policy issued by us;
- At the time of submitting an Application provide the SMD File received from the TMCH Sunrise and Claims Operator; and
- Only submit an Application for a Label contained in the SMD File.

We will perform verification of the SMD File and confirm that the applied for Label is contained in the SMD File.

Where verification of the SMD File fails or the applied for Label is not contained in the SMD File, that Application will be rejected.

#### When will a Sunrise Period operate for the TLD?

The Sunrise Period will be in effect from the date so described in the Launch Program overview.

#### Notice and duration

Once commenced, we may extend the duration of the Sunrise Period. Where the Sunrise Period is extended we will provide such notice to you on our website and via any other means we deem appropriate.

### Limited Registration Period overview

#### What is a Limited Registration Period?

A Limited Registration Period operates to allow Applications from certain eligible Applicants, for domain names in the TLD which have not been otherwise Allocated, or reserved.

### **How does a Limited Registration Period operate?**

In order to participate in a Limited Registration Period the Applicant must submit an Application for a domain name that:

- Was not previously Allocated as a result of an Application submitted during the Sunrise Period;
- Is not Eligible for Allocation;
- Is not the subject of an Application that is being currently processed by the auction provider.

Domain names subject of Applications submitted during the Limited Registration Period will only be Allocated following the Allocation of all domain names applied for during the Sunrise Period.

In order to resolve multiple Applications for the same domain name, the Applicant may be invited to take part in an auction.

A Claims Period will be in effect during the entire duration of the Limited Registration Period. As such, an Applicant must acknowledge and accept the information contained within any Claims Notice that may be presented before processing of the Application.

### **When will the Limited Registration Period operate for the TLD?**

The Limited Registration Period will be in effect from the date so described in the Launch Program overview.

### **Notice and duration**

Once commenced we may extend the duration of the Limited Registration Period. Where the Limited Registration Period is extended we will provide such notice to you on our website and via any other means we deem appropriate.

## **Landrush period overview**

### **What is a Landrush Period?**

A Landrush Period operates to allow any eligible Applicant to apply for a domain name in the TLD before the commencement of General Availability.

Multiple Applications for a domain name during the Landrush Period are resolved by auction.

### **How does a Landrush Period operate?**

In order to participate in a Landrush Period the Applicant must submit an Application for a domain name that:

- Was not previously Allocated;
- Is not Eligible for Allocation;
- Is not the subject of an Application that is being currently processed by the auction provider.

In order to resolve multiple Applications for the same domain name, the Applicant will be invited to take part in an auction.

A Claims Period will be in effect during the entire duration of the Landrush Period. As such, an Applicant must acknowledge and accept the information contained within any Claims Notice that may be presented before processing of the Application.

### **When will a Landrush Period operate for the TLD?**

The Landrush Period will be in effect from the date so described in the Launch Program overview.

### **Notice and duration**

Once commenced we may extend the duration of the Landrush Period. Where the Landrush Period is extended we will provide such notice to you on our website and via any other means we deem appropriate.

## **Claims period overview**

### **What is a claims period?**

In order to meet ICANN's requirements, Claims Periods will operate at certain stages during our Launch Program for the TLD.

Throughout the time when a Claims Period operates, during the process of making an Application for a domain name, the Applicant will be notified (via a Claims Notice) if the applied for Label is a Trademark Match to a Trademark Record in the Trademark Clearinghouse. Where that Label is Allocated, the Trademark Holder with the corresponding Trademark Record will be notified of such by the TMCH Sunrise and Claims Operator.

### **How does a claims period operate?**

The Claims Notice forms part of the process of submitting an Application for a domain name, and the Applicant for the domain name will be required to acknowledge the information contained within the Claims Notice before processing the Application.

### **When will a claims period operate for the TLD?**

The Claims Period will be in effect during:

- The entire duration of the Limited Registration Period described in this document;
- The entire duration of the Landrush Period described in this document; and
- The first 90 calendar days after the commencement of General Availability.

The Claims Period will be in effect from the date so described in 'The launch program overview' (page 5).

### **Notice and duration**

Once commenced we may extend the duration of the Claims Period. Where the Claims Period is extended we will provide such notice to you on our website and via any other means we deem appropriate.



## Basic requirements of an application

An Application for a domain name must be made through a Registrar.

Applications for domain names are subject always to the eligibility requirements of the TLD. Our *Eligibility Policy* which can be found in the policy section of our website at the following link <http://www.nic.physio>.

In submitting an Application you acknowledge that the Application, and if successful the subsequent Allocation of the domain name, are subject to this and other policies issued by us.

In addition to the information required by ICANN, the TMCH Sunrise and Claims Operator, and the Registrar, Applicants must supply any information regarding a domain name that may be required by us, as described in this document or any other policy issued by us.

All Applications must specify the period under which the Application is being submitted and contain any such information that is required of that Period as described in this document.

Applications may only be submitted once the period to which the Application relates has commenced.

Successful Applicants must enter into an agreement for the domain name with their Registrar.

## Availability of domain names

All Applications for domain names are subject to the requested domain name's availability.

During any of the periods described in this policy a domain name may:

- Be reserved or restricted; or
- Have been previously Allocated; or
- Be eligible for Allocation to another entity; or
- Be the subject of an Application that is being currently processed by the auction provider.

Our *Reserved and Restricted Names Policy* describes the types of Labels that will be reserved and restricted in the TLD.

## Premium names

We may, at our discretion, reserve certain domain names that will be made available for registration, during the Launch Program, through an auction process or at a premium fixed price.

Such domain names may be subject to a premium registration fee that is independent of any fee paid at auction.

## Processing of applications

Applications for domain names will be processed by us at the conclusion of the relevant period of the Launch Program.

For the purpose of processing Applications for domain names, all Applications during the Sunrise Period and the Landrush Period will be deemed to have been received at the same time.

We will perform technical substantiation of information received in relation to an Application with the TMCH Sunrise and Claims Operator.

## Allocation of domain names

For each of the periods described in this document, we will determine if there is more than one Application for the same domain name.

Where there are multiple Applications for the same domain name during any given period, and each of the Applications meets the requirements of our policy then, those Applications may be subject to the auction process described in relation to that period.

A domain name will not function in the Service until such time as it has been Allocated.

An Application for a domain name will be Eligible for Allocation:

- Upon passing of the technical substantiation process; and
- Where multiple Applications are received for the same domain name during any given period, resolution of any auction proceedings.

Where the Application is not Allocated within 120 calendar days of being Eligible for Allocation, that Application shall be considered abandoned and the applied for domain name may:

- Become available in subsequent periods of the Launch Program or General Availability;
- Be reserved or restricted by us, subject to this and any other applicable policy issued by us or ICANN.

## Our policy and your representations and warranties

All domain names or Applications for domain names as the case may be, are subject to our policies, and policies, procedures and requirements as issued by ICANN.

Our policy documents can be found in the policy section of our website at the following link

<http://www.nic.physio>.

Without limiting any other agreement or policy, by submitting an Application for a domain name an Applicant will be deemed to have warranted that:

- The information provided is current, complete, and accurate, and the Applicant agrees to correct and update the information to ensure it remains current, complete, and accurate;
- Any information the Applicant may have provided to the TMCH Sunrise and Claims Operator is true and correct; and
- Where the Application relates to a Sunrise Period, to the best of the Applicant's knowledge the requested Label is a Trademark Match to the Validated Mark.

The Applicant and the Registrar understands and acknowledges:

- That the act of submitting an Application for a domain name in no way guarantees the domain name will be Allocated to the Applicant;

- Where multiple Applications are received for a domain name, that those Applications may be subject to the auction processes as described in this policy, and with agreement to the terms of the auction process;
- That the fees in relation to a domain name are separate to any fee paid in relation to the Auction process; and
- We may prevent an Applicant from making an Application and registering or renewing a domain name where that Applicant has been found to be in breach of our policy.

By submitting an Application for a domain name the Applicant and the Registrar agree:

- To be subject to this and any other policy issued by us, and acknowledge that any domain name may be subject to a dispute resolution process, and that the outcome of such process may result in the domain name registration being transferred to another entity, being suspended or cancelled;
- That we reserve the right to deny any Application, or cancel, lock, place on hold, transfer or delete any domain name that we deem necessary, in our sole discretion:
  - To protect the integrity and stability of the Service;
  - To comply with our obligations;
  - To comply with any applicable laws, government rules or requirements, requests of law enforcement, or in compliance with any dispute resolution policies or process;
  - To avoid any liability, civil or criminal, on our part, as well as our affiliates, subsidiaries, officers, directors, employees and subcontractors;
  - To ensure compliance with our policies;
  - For the non-payment to us of any fee; or
  - To correct mistakes made by us or any Registrar, or any of its service providers in connection with an Application or a domain name.
- To indemnify and keep us (including our employees, agents and subcontractors) fully indemnified from and against all suits, actions, claims, demands, losses, liabilities, damages, costs and expenses, that may be made or brought against or suffered or incurred by us, arising out of or in connection in any way, with your breach of any policy or agreement that you may have with us.

## Operation of the Sunrise Period

### Eligibility

Participation in the Sunrise Period is restricted to Applicants who meet the following Sunrise Eligibility Requirements. The Applicant must:

- Have been issued with an SMD File from the TMCH Sunrise and Claims Operator; and
- Comply with the eligibility requirements of the TLD as described in our *Eligibility Policy* which can be found in the policy section at the following link <http://www.nic.physio>.

As described in the *Trademark Clearinghouse Guidelines* that may be found at the following link [www.trademark-clearinghouse.com](http://www.trademark-clearinghouse.com) and reproduced in part below, a SMD File will be issued by the TMCH Sunrise and Claims Operator to the holder of a word mark that:

- Is nationally or regionally registered and for which proof of use (which can be a declaration and a single specimen of current use) was submitted to, and validated by, the TMCH Sunrise and Claims Operator; or
- Has been court-validated; or
- Has been specifically protected by a statute or treaty currently in effect and that was in effect on or before 26 June 2008.

For further information on how to obtain an SMD File please see the *Trademark Clearinghouse Guidelines* that may be found at the following link [www.trademark-clearinghouse.com](http://www.trademark-clearinghouse.com).

### Registration term

A domain name Allocated as a result of a Sunrise Period may only be created for a term of one year.

### Auction process

Where there are multiple Applications for the same domain name during the Sunrise Period these Applications will proceed to auction. The auction will be conducted in accordance with the auction rules published at the following link [http://physio.pool.com/auction\\_rules.html](http://physio.pool.com/auction_rules.html).

Any auction fees, charges and the final bid price for the domain name will be the responsibility of the Applicant.

Where notified of the result of an auction we will ensure that the domain name is Eligible for Allocation to the successful bidder.

## Operation of the Limited Registration Period

### Eligibility

Participation in the Limited Registration Period is restricted to Applicants who meet the following Limited Registration Period Eligibility Requirements. The Applicant must:

- Be approved by us to participate in the Limited Registration Period.

### Use Restrictions

A domain name Allocated as a result of a Limited Registration Period must:

- Be actively promoted and used by the Applicant with three (3) months of the end of the Limited Registration Period;
- Not be redirected to another domain name; and
- Not be transferred, whether by reference to control or use, to another entity.

### Auction process

Where there are multiple Applications for the same domain name during the Limited Registration Period these Applications may proceed to auction. The auction will be conducted in accordance with the auction rules published at the following link [http://physio.pool.com/auction\\_rules.html](http://physio.pool.com/auction_rules.html).

Any auction fees, charges and the final bid price for the domain name will be the responsibility of the Applicant.

Where notified of the result of an auction we will ensure that the domain name is Eligible for Allocation to the successful bidder.

## Operation of the Landrush Period

### Eligibility

Participation in the Landrush Period is restricted to Applicants who comply with the eligibility requirements of the TLD as described in our *Eligibility Policy* which can be found in the policy section at the following link <http://www.nic.physio>.

### Registration term

A domain name Allocated as a result of a Landrush Period may be registered for a term between one and ten years.

### Auction process

Where there are multiple Applications for the same domain name during the Landrush Period these Applications will proceed to auction. The auction will be conducted in accordance with the auction rules published at the following link [http://physio.pool.com/auction\\_rules.html](http://physio.pool.com/auction_rules.html).

Any auction fees, charges and the final bid price for the domain name will be the responsibility of the Applicant.

Where notified of the result of an auction we will ensure that the domain name is Eligible for Allocation to the successful bidder.

## **Definition and review**

This document has been prepared and published to represent our policy regarding the administrative and technical management of the TLD.

We may discontinue or amend any part or the whole of this policy from time to time at our absolute discretion.