

ANNEX .MELBOURNE - SPECIAL CONDITIONS FOR THE .MELBOURNE TLD

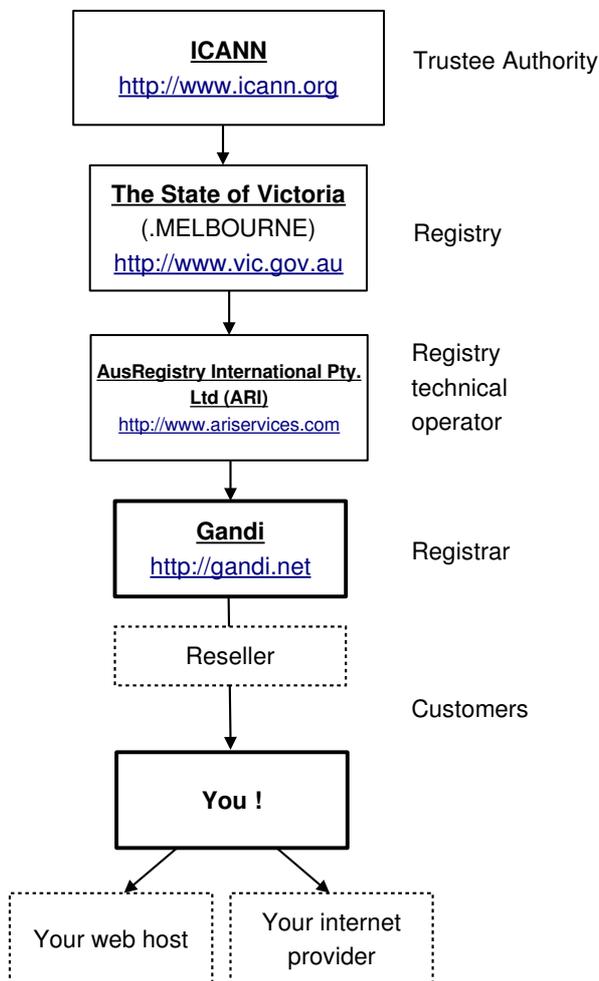
version 1.0 – August the 7th, 2014

In addition to Gandi's [General Terms and Conditions](#) for domain name registration, the registration and use of a .MELBOURNE domain name implies the acceptance of and compliance to the present special conditions contained herein.

All Your legal information and contracts can be viewed at any time via Our [website](#). Capitalized terms have the definition attributed to them in Our [General Terms and Conditions](#) of Domain Name Registration. Specifically, "You" refers to the owner of the domain name, and "We" designates Gandi. Your current contracts are freely available for viewing when You log into Your account at: <http://www.gandi.net/admin/contracts/>.

Section .MELBOURNE.1. Trustee authority and Registry

.MELBOURNE is a generic Top-Level-Domain (gTLD) which aim is to promote the city of Melbourne in Australia. The following diagram presents the various parties involved for the .MELBOURNE TLD:



You can view the information and special rules of each party involved by clicking on the respective links.

Section .MELBOURNE.2. Registration terms and conditions

When You apply to register a .MELBOURNE domain name, You

acknowledge that You have fully understood, and that You certify to have full knowledge of and that You agree to abide by all the rules and specific conditions of .MELBOURNE domain names, as defined by ICANN and the State of Victoria and which may be viewed at the following pages:

- Launch Policies :
<http://nic.melbourne/cms/wp-content/uploads/2014/09/MEL-LAU-001-Launch-Policy-2014-09-09.pdf>
- Registration Policies:
<http://nic.melbourne/cms/wp-content/uploads/2014/07/7MEL-POL-001-Registration-Policy-2014-07-10.pdf>
- Auction Rules:
<http://nic.melbourne/cms/wp-content/uploads/2014/07/4MEL-AUC-002-Pool.com-Auction-Dispute-Resolution-Rules-2014-07-10.pdf>
- Auction Dispute Resolution Policies:
<http://nic.melbourne/cms/wp-content/uploads/2014/07/3MEL-AUC-001-Pool.com-Auction-Dispute-Resolution-Policy-2014-07-10.pdf>
- Sunrise Dispute Resolution Policies
<http://nic.melbourne/cms/wp-content/uploads/2014/07/2MEL-LAU-002-Sunrise-Dispute-Resolution-Policy-2014-07-10.pdf>
- Acceptable Use Policy :
<http://nic.melbourne/cms/wp-content/uploads/2014/07/8MEL-POL-002-Acceptable-Use-Policy-2014-07-10.pdf>
- Compliance Policy :
<http://nic.melbourne/cms/wp-content/uploads/2014/07/9MEL-POL-003-Compliance-Policy-2014-07-10.pdf>
- Whois Policy :
<http://nic.melbourne/cms/wp-content/uploads/2014/07/11MEL-POL-005-WHOIS-Policy-2014-07-10.pdf>
- Registration Eligibility Dispute Resolution Policy (REDRP):
<http://nic.melbourne/cms/wp-content/uploads/2014/07/13MEL-DRP-003-National-Arbitration-Forum-Registration-Eligibility-Dispute-Resolution-Policy-2014-07-10.pdf>
- ICANN consensus policies:
<http://www.icann.org/en/general/consensus-policies.htm>

These contracts bind You to the .MELBOURNE Registry. The special conditions contained herein do not replace these rules, but rather form part of them. You acknowledge to have fully understood and to have accepted these rules on Our Website.

The contract between ICANN and the .MELBOURNE Registry is

available at the following address:

www.icann.org/en/about/agreements/registries/melbourne

Section .MELBOURNE.3. Launch rules

The .MELBOURNE domain name launch will occur in several phases: Sunrise, 2 Limited Registration Periods, the Landrush and general opening.

The Sunrise and the 2 Limited Registration periods run from the 29th of July to the 26th of September, 2014. The Landrush Period will run from the 1st of October to the 9th of November, 2014. General opening is scheduled for the 11th of November, 2014. These dates are not definitive and are subject to change by the Registry.

Preregistrations during both the Landrush and general opening phases are available at Gandi: domain names can be ordered at that time, but will not yet be registered or reserved.

Section .MELBOURNE.4. Special requirements

.MELBOURNE special requirements are available at:

<http://www.gandi.net/domain/melbourne/info>

.MELBOURNE domain names are open to applicant that must satisfy criteria A, B or C as described in this section. At the time of submitting an application to register or renew a domain name in the TLD, the applicant must warrant that:

- it meets the eligibility requirements
- that the domain name and its use will be consistent with:
 - the mission and purpose of the TLD
 - applicable laws, government rules or requirements and the Registry policies

Criteria A – Victorian Entities:

The applicant must be an entity registered with the Australian Securities and Investments Commission or the Australian Business Register that :

- has an address in the State of Victoria associated with its ABN, ACN, RBN or ARBN; or
- has a valid corporate address in the State of Victoria.

There is no restriction on the number of domain names that may be applied for. There are no additional composition requirements for domain name registered under Criteria A other than as described in this or any other of the Registry policies.

Criteria B- Victorian Residents:

The applicant must be an Australia citizen or resident with a valid address in the State of Victoria.

There is no restriction on the number of domain names that may be applied for.

There are no additional composition requirements for domain names registered under Criteria B other than as described in this and any other of our policies.

Criteria C – Associated Entities:

The applicant must be an Associated Entity. The applicant may only apply for a domain name that is an exact match or partial match, or an abbreviation, or an acronym of:

- the business name of the applicant, or name by which the applicant is commonly known (I.e a nickname) and the business name must be registered with the appropriate authority in the jurisdiction in which that business is domiciled, or
- a product that the Associated Entity manufactures or sells to entities or individuals residing in the State of Victoria
- a service that the Associated Entity provides to residents of the State of Victoria, or
- a course or training program that the associated entity facilitates in the State of Victoria

There is no restriction on the number of domain names that may be applied for. Domain names registered under Criteria C must meet the composition requirements as described in the Policy of the Registry and the additional composition requirements as required by the definition of exact match made in the policies.

Where You no longer meet the eligibility requirements of the TLD, You must contact Gandi as soon as possible, and in any case no greater than 14 calendar days of Your ineligibility, request that the domain name be canceled, locked, placed on hold, transferred or deleted.

→ Monitoring and review:

During the lifecycle of the domain name the Registry may take certain steps to substantiate whether You meet the requirements described in the Registry policies.

The Registry may request You to provide information to demonstrate compliance and maintain Your eligibility. In such cases, You must respond to the Registry request within 14 calendar days. Failure to respond within the specified timeframe may result in suspension or deletion of the domain name. Where the Registry determines that You do not meet the eligibility requirements described on the policies, the Registry may at its absolute discretion, cancel, lock, place on hold, transfer or delete the domain name.

The Registry may also review a domain name to ensure that the labels used to form the domain name are consistent with the mission and purpose of the TLD. In doing so, the Registry will reference, amongst other things, the names listed as undesirable under the Business Names Registration Determination 2012.

Where the Registry determine that the domain name is not consistent with the mission and purpose of the TLD, the Registry

may in its absolute discretion cancel, lock, place on hold, transfer or delete the domain name.

Section .MELBOURNE.5. Sunrise

5.1 Eligibility rules

Only owners of a trademark registered with the trademark rights protection mechanism “[TMCH](#)” (Trademark Clearinghouse) established by ICANN are eligible to make a request during the Sunrise period.

As a TMCH trademark agent, Gandi can proceed with the registration of Your trademarks with TMCH (service reserved to Our Corporate customers, please contact Our [Corporate team](#)).

Eligibility conditions concerning the registration of a trademark with TMCH and the applicable rules are available at the following address: <http://www.trademark-clearinghouse.com/downloads>

Once Your trademark has been validated, TMCH generates one or several "labels" strictly identical to Your trademark.

Upon the submission of Your trademark with TMCH, You can choose the Sunrise service, provided that Your trademark has been validated by TMCH. The Sunrise service includes:

- generating a “SMD” (Signed Mark Data) file that proves the validation of Your trademark and allows You to make a registration request during the Sunrise period for one or several domain names strictly identical to the “label(s)” generated, provided that You comply with the eligibility conditions and rules enacted by the Registry,
- sending notifications (NORNs) that inform You of the registration of a domain name identical to Your trademark by a third party during the Sunrise period.

During Your registration request on Our interface, You must upload Your “SMD” file for verification.

5.2 Allocation rules

Sunrise applications are not reviewed on a “first-come first-served” basis, they will be considered as having arrived at the same time:

- if only one qualified application is made for a domain name, the domain name will be registered on behalf of applicant within the days following the end of the Sunrise period,
- if multiple qualified applications are made for the same domain name, the domain name will be subject to closed auction between all applicants for this domain name. The rules applicable to the auction procedure will be available at the following webpage: <http://nic.melbourne/cms/wp-content/uploads/2014/07/4MEL-AUC-002-Pool.com-Auction-Dispute-Resolution-Rules-2014-07-10.pdf>.

When a domain name is allocated to You in Sunrise period, the third parties that are the owners of an identical mark registered

within TMCH are notified of Your registration.

There is an order of precedence for applications made during the Launch program. Applications made during the Sunrise Period take precedence over application made in Limited Registration Period 1, and applications made in Limited Registration Period 1 take precedence over applications made in Limited Registration Period 2.

Sunrise > Limited Registration Period 1 > Limited Registration Period 2

5.3 Dispute resolution

Any dispute relative to the validation of Your trademark with TMCH must be submitted in accordance with the dispute resolution procedure established by TMCH:

<http://www.trademark-clearinghouse.com/dispute>

Any dispute arising from the allocation of a domain name during the Sunrise period must be submitted in accordance with the dispute resolution procedure established by the Registry that You agree fully abide by:

<http://nic.melbourne/cms/wp-content/uploads/2014/07/2MEL-LAU-002-Sunrise-Dispute-Resolution-Policy-2014-07-10.pdf>

5.4. Refund Conditions

In any case, You will not be entitled to receive any refund if Your application is rejected (eligibility criteria not met, “SMD” file invalid or revoked ...) or if the domain name is not granted to You (domain name granted to an other person during an auction, if a third party has successfully challenged the domain name registration ...).

Section .MELBOURNE.6. Limited Registration Period 1 :

Concomitantly to the Sunrise Period and the Limited Registration period 2, the Limited Period Registration 1 will run.

6.1 Eligibility rules

Participation in Limited Registration Period 1 is restricted to applicants who meet the following Limited Registration period Eligibility Requirements

The applicant must be a:

- Victorian Government department or public entity as defined in the Public Administration Act 2004 (Vic); or
- Council as defined under the Local Government Act 1989 (Vic).

In addition, the applicant must:

→ make an application for the domain name via an Expression of Interest Application as provided by the Department of State Development, Business and Innovation (You can make an application via the following link : <http://digital.vic.gov.au/dotmelbourne/#/login>)

→ Be able to demonstrate that the applied for domain name is an exact match to, or an, abbreviation or acronym for:

- the official name of the applicant, or name by which the applicant is commonly known (i.e nickname)
- a product that the applicant generated or sells
- a service that the applicant provides
- an event that the applicant organises or sponsors
- an activity that the applicant facilitates, teaches or trains
- a venue that the applicant operates
- a profession that the applicant's employees or members practice; or
- a program that the applicant administers.

6.2 Allocation rules

→ If the application is made eligible for allocation, You must provide to Gandi the registration token along with any other information required by Gandi and contact our support team at support-en@support.gandi.net

→ The registration token will be active for a period of 30 days after the communication we provide to the applicant with the registration token

Contention resolution will be addresses using the processes as described in the Expression of Interest Application provided by the Department of State Development, Business and Innovation.

6.3. Refund Conditions

In any case, You will not be entitled to receive any refund if Your application is rejected (eligibility criteria not met, invalid or revoked token...) or if the domain name is not granted to You (domain name granted to an other person during an auction, if a third party has successfully challenged the domain name registration ...).

Section .MELBOURNE.7. Limited registration Period 2 (.au Priority Allocation Period) :

Concomitantly to the Sunrise and the Limited Registration period 1, the Limited Registration Period 2 will run.

7.1 Eligibility rules

Participation in Limited Registration Period 2 is restricted to applicants who meet the following Limited Registration Period Eligibility Requirements.

The applied for domain name must be an identical match to the eligible .au domain name.

You must:

- make the application for the domain name via Gandi via Our customer care department: support-fr@support.gandi.net,
- be the .au registrant of the corresponding eligible .au domain name

- be listed as the .au registrant of the eligible .au domain name in the .au WHOIS service for a period of 30 days after the conclusion of Limited Registration Period 2, and
- provide the Registry within 14 days when it makes the request, the .au certificate of registration for the eligible .au domain name, and
- comply with the eligibility requirements of the TLD as described in the Registration Policy.

The eligible .au domain name on which the application is based must:

- be an eligible .au domain name
- not have an expired or been otherwise deleted or placed on hold, or locked prior to the end of Limited Registration Period 2,
- not be subject of any dispute resolution process.

7.2 Allocation rules

Applications are not reviewed on a "first-come first-served" basis, they will be considered as having arrived at the same time:

-if only one qualified application is made for a domain name, the domain name will be registered on behalf of applicant within the days following the end of the Limited Registration Period 2

-where there are multiple applications for the same domain name as a result of Limited Registration Period 2 these applications will proceed to auction. The auction will be conducted in accordance with the auction rules published at the following link : <http://nic.melbourne/cms/wp-content/uploads/2014/07/4MEL-AUC-002-Pool.com-Auction-Dispute-Resolution-Rules-2014-07-10.pdf>

Where there is an application for a domain name as a result of Limited Registration Period 2 that is the same as two or more applications that are subject to contention resolution for Limited Registration Period 1, then that application shall be rejected. The applicant may apply for the domain name during General Availability subject to the domain name's availability.

7.3. Refund Conditions

In any case, You will not be entitled to receive any refund if Your application is rejected (eligibility criteria not met, ...) or if the domain name is not granted to You (domain name granted to an other person during an auction, if a third party has successfully challenged the domain name registration ...).

Section .MELBOURNE.8. Landrush

After the Sunrise and the Limited Registration Period 1 and 2 and before the General Availability, a Landrush period will run.

8.1 Eligibility rules

Participation in the Landrush Period is restricted to applicants who comply with the eligibility requirements of the TLD as described in the Registration Policy.

8.2 Allocation rules

Landrush applications are not reviewed on a “first-come, first-served basis, they will be considered as having arrived at the same time:

-if only one qualified application is made for a domain name, the domain name will be registered on behalf of applicant within the days following the end of the Landrush period

-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://nic.melbourne/cms/wp-content/uploads/2014/07/4MEL-AUC-002-Pool.com-Auction-Dispute-Resolution-Rules-2014-07-10.pdf>

8.3. Refund Conditions

In any case, You will not be entitled to receive any refund if Your application is rejected (eligibility criteria not met, ...) or if the domain name is not granted to You (domain name granted to an other person during an auction, if a third party has successfully challenged the domain name registration ...).

Section .MELBOURNE.9. “Trademark Claim Notice” period

In accordance with ICANN rules, during the 2 Limited Registration Periods, the Landrush period and 90 days upon general opening, a “Trademark Claim Notice” period will run.

During this period if the domain name for which You requested registration is identical to a trademark that is registered and validated with TMCH (according to the “labels” generated), You will receive a warning notice (“Trademark Claim Notice”) in real time on Our interface informing You that a third party has rights to the domain name You requested.

You must confirm or cancel Your registration request, with full knowledge of the notice and its consequences. It being specified that if You do not confirm the notice, Your request will not be sent to the Registry.

If You confirm Your registration request, third parties who own an identical mark are notified of Your registration.

For requests made in preregistration, beginning one day prior to the opening of the period concerned, Gandi will notify You by email of the “Trademark Claim Notice” and Your registration request will be put in “error” until You confirm or cancel Your registration via Our interface. It being specified that, in accordance with ICANN rules, if You do not confirm the notice, Gandi will not send Your registration request to the Registry upon the opening of the concerned period and cannot, in any case, be held liable for the non-registration of Your domain name and particularly if the domain name is registered by a third party who has validated the “Trademark Claim Notice” upon the opening of

the period concerned.

It is Your sole and entire responsibility to confirm, if You want, all the notices received before the opening of the concerned period and the sending of Your request to the Registry.

Section .MELBOURNE.10. Reserved names and premium domain names

Some words are reserved or prohibited:

-<http://www.icann.org/en/about/agreements/registries/melbourne>

(specification 5. schedule of reserved names),

-names containing two characters followed by two hyphens and names beginning or ending by a hyphen are not allowed.

-for technical operations

-that represent country and territory names

-that represent names of intergovernmental organizations

-that represent names of International Olympic Committee, and those of the International Red Cross and red Crescent Movement

-those terms reserved by the Registry

The registration of “premium” domain names is not available on Our interface, You would need to contact Our customer service department for this.

For requests made in preregistration, if the domain name You have preregistered is a “premium” domain name, Your request will be put in “error” and You will be notified by email. Then You will be able to either pay the additional costs applicable to “premium” domain names in order to validate Your registration request or cancel Your request. It being specified that if You do not contact Our customer service department and do not pay the additional costs applicable to “premium” domain names, Your registration request will be not sent to the Registry.

Section .MELBOURNE.11. Registration term

The registration term is 5 years for requests made during the Sunrise period, from 2 to 10 years for the requests during the Limited Registration Period 1, 3 years during the Limited Registration Period 2, 2 years during the Landrush and from 1 to 10 years for requests made during the general opening. To avoid any deactivation of the domain name, the renewal must be paid and funds cleared **before the Expiration date**.

Section .MELBOURNE.12. Pricing

Our prices may be viewed at:

<https://www.gandi.net/domain/price/detail/melbourne>

“Premium” domain names are subject to specific prices that will be communicated by Our customer service department upon request.

You expressly agree to the price of a domain name and acknowledge that price for the creation of a domain name may be greater than or less than the price for the renewal of the domain name.

Section .MELBOURNE.13. Storage of contact information

In application of ICANN contracts, all personal and technical information associated with the registration of Your domain name is recorded and made available to ICANN and IRON MOUNTAIN (ICANN's designated Registrar Data Escrow agent), in addition to messages pertaining to each registration or modification, during the entire duration of the registration of the domain name, plus the two following years.

You accept that the Registry can access Your personal contact information and display it in the public [Whois](#) database.

Section .MELBOURNE.14. Dispute resolution policy

The Registry has adopted the ICANN dispute resolution procedures UDRP (Uniform Dispute Resolution Policy) and URS (Uniform Rapid Suspension System) for .MELBOURNE domains, that You agree fully abide by.

You may view general documentation on the UDRP procedure at the following addresses:

- ICANN domain name dispute resolution policies:
<http://www.icann.org/udrp>
- explanations:
<http://www.icann.org/en/udrp/udrp.htm>
- Policy:
<http://www.icann.org/en/dndr/udrp/policy.htm>
- Rules:
<http://www.icann.org/dndr/udrp/uniform-rules.htm>
- Dispute Resolution Service Providers:
<http://www.icann.org/en/dndr/udrp/approved-providers.htm>

The URS rules are available at the following page:

<http://newgtlds.icann.org/en/applicants/urs>

You acknowledge that any person or entity may challenge Your eligibility in accordance with the Eligibility Dispute Resolution Procedure ([available here](#)). Disputes regarding Your eligibility will be determined either by the Registry or by the appointed eligibility dispute resolution provider, namely the National Arbitration Forum.

Details about the Registry Eligibility Dispute Resolution Procedure can be found at the following link:

<http://nic.melbourne/cms/wp-content/uploads/2014/07/13MEL-DRP-003-National-Arbitration-Forum-Registration-Eligibility-Dispute-Resolution-Policy-2014-07-10.pdf>

Section .MELBOURNE.15. Transfer (change of Registrar)

The transfer-in process may be initiated on Our Interface. Before requesting the transfer of the domain, please make sure You have the domain's authorization code (supplied by Your current Registrar), and that Your domain name:

- does not have a TransferProhibited status,
- does not expire soon (We recommend that You start the transfer request at least 1 month prior to its Expiration),
- was created at least 60 days prior to the request,

- has not been transferred within the last 60 days.

The transfer's completion requires Your confirmation (by e-mail).

Upon successfully transferring a domain, the registration period is extended by one year.

A domain name may only be transferred to another party that meets the requirements of the policies of the Registry and the receiving party must make also warrant that it meets the eligibility requirements and would be entitled to register the domain name if it were applying for it in its own right.

Section .MELBOURNE.16. Ownership change

The ownership change process is available on Our Interface and requires the confirmation of both parties by e-mail.

The owner change of a domain name does not change the domain's expiration date.

Section .MELBOURNE.17. Deletion process

Upon the Expiration of the domain, We suspend (Hold) the domain name for 45 days, during which time all associated technical services are deactivated. Late renewal at normal price is possible during this period.

Then the domain goes into Redemption Period for an additional 30 days, and all associated technical services are deactivated. It can only be restored during this period in accordance with the terms and conditions described on Our website and/or as communicated by Our customer service department.

If the domain is neither renewed nor restored within these deadlines, the Registry shall place the domain on "Pending Delete" status for several days, and then delete the domain name, which will become available for registration on a "first-come first-served" basis.

Section .MELBOURNE.18. Registrant representations and guarantees

You agree to provide and maintain accurate, reliable and up-to-date personal contact information. Failing to do so, the Registry may delete Your domain name.

By submitting a registration or modification request You acknowledge that:

- You have the authority to make an application
- 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
- in the event that any registration information provided in relation to an application, or a domain name, changes You will correct and update that information immediately

- You have to participate in good faith in any proceedings as established by the Registry and ICANN,
- You have to accept and abide by the rules and policies enacted by the Registry.

→ Intellectual Property:

a) You must ensure that Your application for, and the possible subsequent registration and/or use of, the domain name will not infringe the Intellectual Property rights of any third party.

b) You must bear liability for any claims of infringement arising out of or relating to Your registration or use of the domain name, and indemnify the Registry for any liability it may incur arising from such infringement

In any case, You acknowledge and agree that distributing malware, abusively operating botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law are expressly prohibited. Failing to comply with this provision, You expose Yourself to the suspension of Your domain name, in addition to the prosecution for the prejudice caused to third parties and to the penalties mentioned under applicable law.

You commit Yourself to indemnify and keep the Registry (including its 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 the Registry arising out of or in connection in any way with Your breach of the customer registration agreement.

Section .MELBOURNE.19. Exclusion of liability and actions of the Registry

You expressly acknowledge and accept that the Registry shall be entitled, that it deems necessary, in its sole and entire discretion, but not obligated, to reject, delete, suspend, transfer to a third party or place in “lock” status, “hold” status or similar status Your domain name:

- to protect the integrity and stability of the Registry System
- to comply with its obligations as a Registry
- 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 the part of Registry, as well as its affiliates, subsidiaries, officers, directors, employees and subcontractors
- to ensure compliance with the published Policies
- to stop or prevent any violations of any terms and conditions of this agreement
- for the non-payment to the Registry of any fee
- to correct mistakes made by the Registry or any registrar or any of its service providers in connection with an application or a domain name

- end of annex .MELBOURNE-