

## ANNEX .BRUSSELS - SPECIAL CONDITIONS FOR THE .BRUSSELS TLD

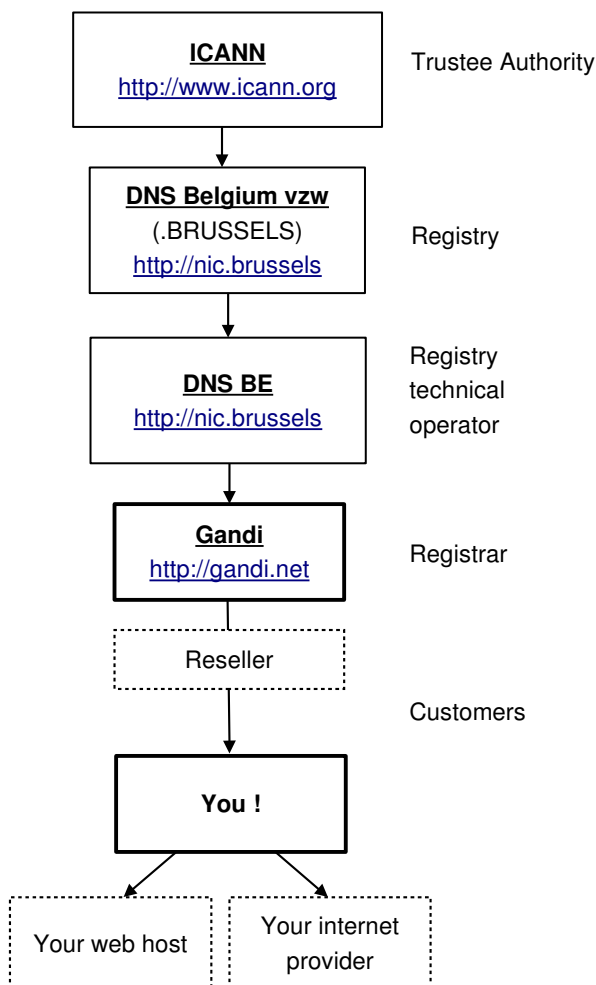
version 1.0 – August the 25th, 2014

In addition to Gandi's [General Terms and Conditions](#) for domain name registration, the registration and use of a .BRUSSELS 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 .BRUSSELS.1. Trustee authority and Registry

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



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

### Section .BRUSSELS.2. Registration terms and conditions

When You apply to register a .BRUSSELS 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 .BRUSSELS domain names, as defined by ICANN and Dns Belgium vzw and which may be viewed at the following pages:

- Start-up Overview : [www.icann.org/en/about/agreements/registries/brussels](http://www.icann.org/en/about/agreements/registries/brussels)
- Start-up information for the Sunrise period : <http://myicann.force.com/SunriseAttachment?attachmentId=MDBQZDAwMDAwMEJ4V0t5RUFO>
- Sunrise Policies : <http://myicann.force.com/SunriseAttachment?attachmentId=MDBQZDAwMDAwMEJ4V00xRUFO>
- Limited Registration Period for government institution and businesses : <http://myicann.force.com/SunriseAttachment?attachmentId=MDBQZDAwMDAwMEJ4V0wzRUFO>
- Limited Registration Period for Businesses and organizations and public institution (LRP) Policies : <http://myicann.force.com/SunriseAttachment?attachmentId=MDBQZDAwMDAwMEJ4V0xjRUFO>
- Start-up information on Limited Registration Period for Belgian citizens : <http://myicann.force.com/SunriseAttachment?attachmentId=MDBQZDAwMDAwMEJ4V0xERUEz>
- Start-up information for the Landrush Period : <http://myicann.force.com/SunriseAttachment?attachmentId=MDBQZDAwMDAwMEJ4V0xORUEz>
- Terms and Conditions : <http://myicann.force.com/SunriseAttachment?attachmentId=MDBQZDAwMDAwMEJ4V0xtRUFO>
- ICANN consensus policies: <http://www.icann.org/en/general/consensus-policies.htm>

These contracts bind You to the .BRUSSELS 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 .BRUSSELS Registry is available at the following address:

[www.icann.org/en/about/agreements/registries/brussels](http://www.icann.org/en/about/agreements/registries/brussels)

### Section .BRUSSELS.3. Launch rules

The .BRUSSELS domain name launch will occur in 5 phases: Sunrise, Landrush and general opening.

The Sunrise Period will run from the 1st of September to the 1st of October, 2014. The Limited Registration Period for government institutions and businesses will run from the 2nd of October, 2014 to the 3rd of November, 2014. The Limited Registration Period dedicated to individuals will run from the 13th of November, 2014 to the 15th of December. The Landrush will run from the 16th of December, 2014 to the 15th of January, 2015. General opening is scheduled for the 20th of January, 2014. These dates are not definitive and are subject to change by the Registry.

Preregistrations during both the Sunrise, the two Limited Registration periods 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 .BRUSSELS.4. Special requirements**

.BRUSSELS special requirements are available at:  
<http://www.gandi.net/domain/brussels/info>

.BRUSSELS domain names are open to anyone.

#### **Section .BRUSSELS.5. Sunrise**

##### **5.1 Eligibility rules**

During the Sunrise period, 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.

You can apply for a .BRUSSELS domain name based on Your registered trademark, **provided** that the trademark You registered with the TMCH meets the following criteria:

- the trademark is a Benelux (code BX) and is registered with the Benelux Bureau for Intellectual Property (BBIE), or
- the trademark is a European trademark registration (code EM) and has been registered via OHIM

The trademark registration must be valid at the time of the application during this phase. Trademarks that have their application pending, unregistered trademarks or trademarks for which the registration has expired are not eligible.

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 reviewed on a "first-come first-served" basis.**

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.

##### **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://myicann.force.com/SunriseAttachment?attachmentId=MDBQZDAwMDAwMEJ4V00xRUFO>

##### **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 .BRUSSELS.6. Limited Registration Period for government, institutions and business :**

##### **6.1 Eligibility rules**

During this phase, government institutions, companies and organizations established in Belgium may submit an application.

The entities which can apply are the following ones:

- 1. Government institutions established in Belgium**

- institutions and bodies belonging to national, regional provincial and local government bodies
- public authorities, organizations or bodies
- European, international and intergovernmental organisations

## 2. Companies or business with their (head) office in Belgium

Companies and businesses that have a head of office or ordinary domicile in Belgium (no postbox addresses). Self-employed businesses also fall within this category.

## 3. Organizations established in Belgium

These are organizations established in Belgium (no postbox addresses). In the first instance, these are non-profit associations, foundations and international non-profit associations. This is not an exhaustive list. However, one requirement is that the organization must be a legal entity.

You will have to upload supporting documents to the validator platform. These documents, wherever relevant, must be drawn up and signed by a person with authorization to represent Your government institution, company or organization (ie.with signatory power). For example, when a local authority applies for the name of its municipality or borough, the supporting document may consist of an official letter from the council members on the council letterhead, signed by a person authorized to do so (such as the mayor or council secretary).

During this Limited Registration period the entities mentioned above can only apply :

-for their official name or designation, the acronym of that name, their trademark or brand name, the name of a geographical area and name of origin or provenance if they are a government institution

-their brand name, trading name, company name and name of origin or provenance if they are a company

-their brand name, trading name, company name of origin or provenance if they are an organization

### 6.2 Allocation rules

The applications made during this period will be under a validation process. The validator appointed by the Registry will check if You meet the eligibility criteria and will request that You provide necessary documents (certificate of incorporation, decree, ...) on an online platform. For more information please read carefully the Start-up material of the Registry :

<http://myicann.force.com/SunriseAttachment?attachmentId=MDBQZDAwMDAwMEJ4V0wzRUFO>

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 on the website of the

provider appointed by the Registry.

### 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, insufficient evidences or inaccurate evidences forwarded to the validator) 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 .BRUSSELS.7. Limited Registration Period 2 or e-ID phase :

After the Limited Registration Period dedicated to public entities and associations and before the Landrush, a Limited Registration Period for Belgian individuals will run.

#### 7.1 Eligibility rules

Belgian individuals in possession of a valid identity card with electronic chip (e-IDcard) will be able to apply for domain names that match with their family name or combinations of first and family name regardless of their place of residence or the age of the holder.

You can apply for a .BRUSSELS domain name that corresponds with:

- Your family name
- Your family name and first name
- Your first name and family name
- Your family name and the first letter of Your first name
- The first letter of Your first name and family name

Solely valid Belgian eID cards are accepted for applications. Other identity documents, international passports, residence permits, driving licenses are not eligible.

#### 7.2 Allocation rules

Applying for a domain name during this phase takes place in two steps:

##### 1. Validation of Your personal details by eID and reserving the domain name:

If You want to apply for a .BRUSSELS based on Your name, You must go through the Registry's website on the eID wizard. This process starts by having the details on Your eID card read by the eID application at the Registry's website.

##### 2. Registration of the domain name:

You must provide to Gandi the registration code(s) that You received when reserving Your domain name via the Registry. Gandi is only able to carry out the actual registration of the domain names reserved by You based on these codes

We draw Your attention to the fact that said codes are only valid **for 7 days**. If registration codes are not used within this period (7 days) to complete the registration, the reserved domain names will be released again and available to third party.

**Applications will be registered according to the “first-come, first-served” principle.**

### **7.3. Refund Conditions**

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

### **Section .BRUSSELS.8. Landrush**

After the two Limited Registration periods and before the General Availability, a Landrush phase will take place.

#### **8.1 Eligibility rules**

There is no restriction to apply for a .BRUSSELS during the Landrush phase.

#### **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,
- 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 on the website of the provider appointed by the Registry.

For more information about Landrush please read the Start-up policies of the Landrush drafted by the Registry :

<http://myicann.force.com/SunriseAttachment?attachmentId=MDBQZDAwMDAwMEJ4V0xORUEz>

#### **8.3. Refund Conditions**

In any case, You will not be entitled to receive any refund if Your application is rejected 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 .BRUSSELS.9. “Trademark Claim Notice” period**

In accordance with ICANN rules, during the 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 .BRUSSELS.10. Reserved names and premium domain names**

Some words are reserved or prohibited:

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

(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.

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 notify 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 .BRUSSELS.11. Registration term**

The registration term is 1 year for requests made during the Sunrise period, the Landrush and the Limited registration periods, 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 .BRUSSELS.12. Pricing**

Our prices may be viewed at:

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

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

### **Section .BRUSSELS.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.

You acknowledge and accept that the Registry may make use of Your personal data, which use includes the processing, copying, publishing, modifying and making available through the WHOIS Service, of any such data, and authorize its subcontractors and agents to do the same, in accordance and compliance with relevant applicable data protection and privacy legislation, all this for the sole purposes of allowing Gandi to render the domain name registration services hereunder in accordance with ICANN's policies.

### **Section .BRUSSELS.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 .BRUSSELS 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>

### **Section .BRUSSELS.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.

### **Section .BRUSSELS.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 .BRUSSELS.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 .BRUSSELS.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:

- to Your knowledge, the registration of the domain name

mentioned in the domain name registration request will not infringe upon or otherwise violate the rights of any third party

- You are not submitting the domain name registration request and, upon registration, will not use the domain name for an unlawful purpose, contrary to public policy or morality, for offensive purposes, to mislead the public and/or contrary to good and fair business practices
- You will participate in good faith in any proceedings initiated by a third party under the UDRP, the URS, or any other proceedings or policy in relation to a domain name of which You are the registrant
- You will keep the WHOIS information related to the domain name accurate and up-to-date at all times, both with GANDI and the Registry, and will immediately comply with any requests to such effect issued by or on behalf of the Registry

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, defend and hold harmless the Registry, its directors, officers, employees, subcontractors and agents, to the maximum extent required by law, from and against any claims, damages, liabilities, costs and expenses arising out of or relation to the use or registration of Your domain name. This indemnification obligation shall survive the termination of the present contract, whatever may be the cause, and is the direct

consequence of Our accreditation agreement.

**Section .BRUSSELS.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:

- if and when the Registry does not hold complete and accurate information as described in the respective TLD policies, or is not in compliance with any other provision of such TLD Policies
- to protect the integrity and stability of the Shared Registry System, and/or the operation and/or management of one or more TLD's
- in order to comply with applicable laws and regulations, 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
- to avoid any liability on behalf of the Registry, including their respective affiliates, directors, officers, employees, subcontractors and/or agents
- following the outcome of a Sunrise Reconsideration Proceeding (as defined in the respective TLD Policies)

- end of annex .BRUSSELS-