



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
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Swiss Confederation

Federal Office of Communications OFCOM



.swiss/LP

.swiss Launch Period Registration Policy

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1 General

1.1 Scope

This Launch Period Registration Policy sets forth the terms and conditions, which govern .swiss domain names registrations during the launch period.

1.2 Abbreviations

ICANN	Internet Corporation for Assigned Names and Numbers
OFCOM	Office Fédéral de la Communication (Federal Office of Communications) of the Swiss Confederation
TLD	Top-Level Domain
TMCH	Trademark Clearinghouse

1.3 Definitions

Accredited Registrar	means an ICANN accredited registrar that has entered into an agreement (the “ Registry-Registrar Agreement ” or “ RRA ”) with the Registry and is authorized to register names in the .swiss TLD.
General Availability	means the general registration period commencing after the launch phases in which available .swiss domain names will be generally made available to all registrants that are qualified to register domain names under the process described in the .swiss general Registration Policy.
.swiss general Registration Policy and/or Registration Policy	means the policy available at the Registry’s website at http://www.nic.swiss and hereby incorporated by reference, which governs the registration of .swiss domain names.
Registrant, You and Your	refers to the entity, which applies or wishes to register a .swiss domain name with an Accredited Registrar.
Registry, We, Us and Our	refers to the Swiss Confederation, a sovereign state established under authority of the laws of the Federal Constitution of the Swiss Confederation, as entity responsible for operating the .swiss TLD.
Reserved Name	in this Launch Policy has the meaning given by ICANN in Specification 5 of the .swiss TLD Agreement entered into between the Registry and ICANN. It therefore includes any .swiss domain name listed in the Reserved Name List that is withheld from registration or allocation.

2 Acceptance of this Launch Period Registration Policy

2.1 By applying to register .swiss domain name during the launch period, You agree to be legally bound by:

- a. This Launch Period Registration Policy, as well as the .swiss general Registration Policy hereby incorporated by reference;
- b. The legal act of domain name allocation by the Registry;

- c. The Registration Agreement provided by the sponsoring Accredited Registrar through which You applied for Your .swiss domain name; and
- d. Any other policies mandated by ICANN, as amended from time to time.

2.2 You hereby represent and warrant to Us (the Registry) that the statements that You made in Your Registration Agreement with the Accredited Registrar sponsoring Your .swiss domain name are complete and accurate.

2.3 It is Your sole responsibility to determine whether Your .swiss domain name registration and use complies with this Registration Policy.

3 General Conditions and Launch Period Overview

3.1 To register a .swiss domain name during Launch, the application must comply with:

- a. The specific eligibility requirements set forth in this Launch Policy for each launch category;
- b. The general syntax requirements set forth in the .swiss Registration Policy, hereby incorporated by reference; and
- c. The general eligibility requirements set forth in the .swiss Registration Policy, hereby incorporated by reference. Specifically, You must meet all the following requirements:
 - i. You can demonstrate a sufficient link to Switzerland. This occurs if You are:
 - 1. A Swiss Public Authority or another Swiss organization under public law; or
 - 2. An legal entity registered in the Swiss Commercial Register having its seat in Switzerland and an effective site of administration in Switzerland; or
 - 3. An association or foundation not registered in the Swiss Commercial Register having its seat and an effective site of administration in Switzerland.
 - ii. At the time of the application, the requested name belongs to a category of names available for allocation;
 - iii. The intended use is legal under Swiss law. Be aware that if the domain name is used to provide products or services or to advertise them, a seat and an effective place of administration in Switzerland are required; and
 - iv. The requested name is not a generic name, without prejudice Swiss regulations for name space mandates (Art. 56 of the Ordinance on Internet Domains of 5 November 2014, OID, CC 784.104.2) and the Registry's Naming Mandate Program.

The .swiss General Registration Policy will apply to all aspects of Your registration not specifically contemplated in this Launch Policy.

3.2 The Launch Phase for .swiss will start on 7 September 2015 13:00 UTC and will end on 9 November 2015 13:00 UTC*. During this single 64 calendar-day period, three categories of applications will be accepted **simultaneously** and will be **allocated at the end of this single 64-day Launch Phase** window according to the hierarchy of **priority status** of each category. Thus, each category will be completely allocated (i.e. accepted, rejected or sent to contention resolution) before any name on the next category is allocated. Each claim of priority will be individually and **thoroughly validated** by the Registry. Self-declaration will not be sufficient. The categories are the following, according to priority status (from top priority to lesser priority):

Category / Priority	*Length	Summary
1. Sunrise	7 September 2015 13:00 UTC* 9 Novembre 2015 13:00 UTC*	End-date Sunrise for trademarks validated by the TMCH.
2. Public Administrations	7 September 2015 13:00 UTC* 9 November 2015 13:00 UTC*	Limited Registration Period, which allows relevant Swiss Public Authorities or another Swiss organization under public law to register (i) their own official names (including acronyms and other official abbreviations); (ii) names of public services or activities which they provide; (iii) local landmarks, and other locally-relevant and iconic names over which they are the relevant authority; and (iv) geographical names for any subdivision of the Swiss Confederation (e.g. cantons, communes, villages, hamlets, streets...) under the governance of the Public Authority.
3. Other Prior Rights	7 September 2015 13:00 UTC* 9 November 2015 13:00 UTC*	Limited registration period for names of (i) indications of source and geographical indications in Switzerland recognized by Swiss Law or by International Treaties in which Switzerland is a member; (ii) trademarks with effect in Switzerland (i.e. national Swiss trademarks and WIPO International trademarks with effect in Switzerland); and (iii) legal entities registered in the Swiss Commercial Register having its seat in Switzerland and an effective site of administration in Switzerland.
General Availability	11 January 2016 13:00 UTC* Ongoing	General registration period commencing after the launch phases during which available domain names ending with .swiss can be registered by any legal entity that meets the general eligibility requirements for the .swiss TLD under the process described in the .swiss Registration Policy.
Trademark Claims Notice Service	Throughout the Other Prior Rights Limited Registration Period and at least for the first 90 days of General Availability	Period during which the Accredited Registrar is required to provide notice to all potential domain name registrants who attempt to register a domain name that matches a Trademark Record verified by the Trademark Clearinghouse ("Claims Notice") and the Trademark Clearinghouse will provide Notice of Registered Names to the trademark holders.

***IMPORTANT:** The Registry reserves the right to extend the schedule of any of the above launch categories at its sole discretion. In all cases Sunrise will last for a minimum of 60 days and the Trademark Claims Notice Service will be in effect for at least the duration of the Other Prior Rights Limited Registration Period and the first 90 days of General Availability.

4 Priority 1 Category: End-Date Sunrise

4.1 Eligibility

This category is for registered owners, licensees or assignees of trademarks validated by the Trademark Clearinghouse (“TMCH”).

4.2 Name Selection

The Registry will only register the domain name applied for insofar to the extent that:

- a. the domain name meets the general eligibility criteria set out in the .swiss Registration Policy;
- b. the domain name matches a label contained within the SMD file of a trademark validated by the Trademark Clearinghouse for Sunrise Services;
- c. a valid SMD file is submitted at the time of application;
- d. the domain name is available.

No other requirements will apply.

4.3 Priority

Applications eligible under this Sunrise Period category will be allocated with top priority over any other applications.

4.4 Contention Resolution within this category

After preliminary examination, the Registry will publish each registration request of a domain name under this category, unless it is in manifest non-compliance with the general and specific allocation rules. Other applicants may submit registration requests for the same name during the 20 days following publication.

If there is more than one eligible application for the same name, the name in contention will be allocated:

- a. To the applying public body or organization under public law if such organization is in contention against private applicants and if the applied name is in itself in the public interest;
- b. To the one amongst the applying public bodies or organizations under public law which intends to use the domain in a way offering a clearly superior added value for the Swiss community compared to the other intended uses; if no project satisfies this requirement and if the public bodies or organizations under public law are unable to agree on a single or combined application, the Registry will abstain from allocating the domain name.
- c. Amongst private applicants:
 - i. To the highest bidder in an auction, unless an auction appears inappropriate in view of all the circumstances or in view of the applicants involved; the proceeds of the auctions accrue to the Federal coffers; or
 - ii. To the one who first submitted the registration request if all applicants are not-for-profit entities and effectively pursue such aims.

4.5 Duration

This Sunrise Period will last sixty-four (64) calendar days and it will run in parallel with the rest of the Launch Phases.

4.6 Challenges to domain names allocated or rejected under this category: Sunrise Dispute Resolution Policy

Allocations and rejections of domain names under this Sunrise Period category will be able to be challenged through the **Sunrise Dispute Resolution Policy** (“SDRP”) available on the Registry website.

5 Priority 2 Category: Public Administrations

5.1 Eligibility

Limited Registration Period for Public Authorities in Switzerland. Here, “**Public Authority/ies**” means Swiss public authorities of all levels (communal, cantonal, federal) under Swiss Public Law and other governmental departments; as well as other public institutions or appropriate entities under Swiss Public Law in Switzerland.

5.2 Name Selection

Public Authorities referred to in 5.1 above may register names identical to, or translation or a transliteration of:

- a. the official name, acronym or official abbreviation of the relevant Public Authority;
- b. the name of recognized public services and/or activities provided by the Public Authority.
These would include at least the following services:
 - public order and public security
 - public affairs and institutional relations
 - public health
 - taxation, economic development and promotion
 - public utilities
 - transportation
 - urban planning and environmental protection
 - culture and education
 - citizen participation
 - tourism;
- c. the name of buildings, parks, monuments, airports or other public places operated by the Public Authority;
- d. the name of a region, city, street, district or other geographic areas (e.g. cantons, communes, villages, hamlets, streets...) under the governance of the Public Authority.

5.3 Contention Resolution within this category

After preliminary examination, the Registry will publish each registration request of a domain name under this category, unless it is in manifest non-compliance with the general and specific allocation rules. Other applicants may submit registration requests for the same name during the 20 days following publication.

If there is more than one application for the same name under this category, the names applied for by the Swiss Federal Authorities will have priority over the names applied by other Swiss Public Authorities (as defined in 5.1 above).

If there is more than one application for the same name applied for by Swiss Public Authorities other than the Federal Authorities, the name will be allocated to the applying public body or organization under public law which intends to use the domain in a way offering a clearly superior added value for the Swiss community compared to the other intended uses; if no project satisfies this requirement and if the public bodies or organizations under public law are unable to agree on a single or combined application, the Registry will abstain from allocating the domain name.

In the absence of agreement, the homonymous designations for cantons and communes will be allocated to the respective political commune.

5.4 Priority

The eligible names under this category will be allocated with less priority than Sunrise eligible applications, but with priority over any other applications.

5.5 Duration

This Approved Launch Program will last sixty-four (64) calendar days and it will run in parallel with the rest of the Launch Phases.

5.6 Challenges to domain names allocated or rejected under this category

Allocations and rejections of domain names under this category will be able to be challenged through the general Revision Procedure for the allocation .swiss domain names set forth in Section 12.1 of the Registration Policy. Specifically, upon formal request of Revision by the interested party, OFCOM will take a formal decision (ruling), which can be further appealed before the Federal Administrative Court according to the Federal Act on Administrative Procedure (Administrative Procedure Act, APA, CC 172.021; <http://www.admin.ch/opc/en/classified-compilation/19680294/index.html>).

6 Category 3: Other Prior Rights

6.1 Eligibility and Name Selection

Limited registration period for the following names with prior rights:

- a. Names matching Indications of Source and Geographical Indications in Switzerland recognized by Swiss Law or by International Treaties in which Switzerland is a member;
- b. Names matching trademarks with effect in Switzerland. Namely:
 - i. National Swiss trademarks registered at the Swiss trademark office (Swiss Federal Institute of Intellectual Property - <https://www.ige.ch/en.html>);
 - ii. WIPO International trademarks with legal effect in Switzerland according to the Madrid system (<http://www.wipo.int/romarin>);
- c. Names of legal entities registered in the Swiss Commercial Register having its seat in Switzerland and an effective site of administration in Switzerland (including clear variations and/or abbreviations thereof).

6.2 Contention resolution within this category

After preliminary examination the Registry will publish each registration request of a domain name under this category, unless it is in manifest non-compliance with the general and specific allocation rules. Other applicants may submit registration requests for the same name during the 20 days following publication.

If there is more than one eligible application for the same name, the name will be allocated:

- a. To the applying public body or organization under public law if such organization is in contention against private applicants and if the applied name is in itself in the public interest;
- b. To the one amongst the applying public bodies or organizations under public law which intends to use the domain in a way offering a clearly superior added value for the Swiss community compared to the other intended uses; if no project satisfies this requirement and if the public bodies or organizations under public law are unable to agree on a single or combined application, the Registry will abstain from allocating the domain name.
- c. Amongst private applicants:
 - i. To the highest bidder in an auction, unless an auction appears inappropriate in view of all the circumstances or in view of the applicants involved; the proceeds of the auctions accrue to the Federal coffers; or
 - ii. To the one who first submitted the registration request if all applicants are not-for-profit entities and effectively pursue such aims.

No other criteria (such as type of prior right) will apply.

6.3 Priority

Applications eligible under this category will be allocated with priority over eligible applications received during General Availability.

6.4 Duration

This Other Prior Rights Limited Registration Period will last sixty-four (64) calendar days and it will run in parallel with the rest of the Launch Phases.

6.5 Challenges to domain names allocated or rejected under this category

Allocations and rejections of domain names under this category will be able to be challenged through the general Revision Procedure for the allocation .swiss domain names set forth in Section 12.1 of the Registration Policy. Specifically, upon formal request of Revision by the interested party, OFCOM will take a formal decision (ruling), which can be further appealed before the Federal Administrative Court according to the Federal Act on Administrative Procedure (Administrative Procedure Act, APA, CC 172.021; <http://www.admin.ch/opc/en/classified-compilation/19680294/index.html>).

7 Compliance with Eligibility and Name Selection Requirements

The Registry may reject, revoke or delete at any time any application or resulting registration of a domain name if, among other reasons set forth in Sections 3 and 8 of the .swiss general Registration Policy, it appears that the applicant did not fulfill any of the eligibility and/or name selection requirements required for each of the above categories, without the applicant or registrant being entitled to any reimbursement or compensation as a result of such rejection, revocation or deletion.