

.asia information requirements

Registration of the .asia domain will require some additional information that will need to be supplied by the client (registrant) prior to submission of the application to the registry.

Charter eligibility requirement

First and foremost to register a .asia domain a **Charter Eligibility Requirement** must be met. This is the basic requirement to qualify as a domain registrant. At least one of the domain contacts associated with the domain Name (*Registrant, Admin, Technical or Billing*) must be an existing and current legal entity in the DotAsia Community*. NetNames will be acting as Technical & Billing contacts for domains submitted through NetNames, NetNames can also help clients satisfy the eligibility by using our own registered Company in Hong Kong called 'Domain Management Limited' as the admin contact.

The designated contact must make a Chartered Eligibility Declaration (**CED**) that it is a legal entity within the DotAsia Community* and to do that the additional information required to be submitted online is as follows:

- 1) **Locality of the claimed legal entity status**
(From list of 73 DotAsia Community countries (ISO3166 Codes), See below)
- 2) **Type of legal entity**
 - a. Corporations or companies
 - b. Cooperatives
 - c. Partnerships or collectives
 - d. Government bodies, states, sovereigns or municipalities
 - e. Political parties or trade unions
 - f. Trusts, estates, associations or societies
 - g. Institutions
 - h. Natural persons
 - i. Other
- 3) **Form of identification**
 - a. Certificate of Incorporation/business registration certificate etc.
 - b. Act, decree or legislation chartering the formation of an entity
 - c. Societies registry or equivalent registry for non-corporate entities
 - d. Political parties registry
 - e. Passport or citizenship ID
 - f. Other
- 4) **ID number/Code of reference**
E.g. Passport No., Business certificate No., Act or Legislation number/code, etc.
- 5) **Other**
If 2(i) or 3(f) is declared then info supporting that should be included.

Please Note: It is important that we know which contact is to be declared as the CED contact, i.e registrant or admin contact, or if client wants NetNames local presence to be used as admin contact, as this must be submitted with the application -

*DotAsia Community as defined by ICANN Asia/Australia/Pacific region list of 73 countries

Code	Country or Territory	Code	Country or Territory	Code	Country or Territory	Code	Country or Territory
ae	United Arab Emirates	hm	Heard Island and McDonald Islands	mm	Myanmar	sg	Singapore
af	Afghanistan	id	Indonesia	mn	Mongolia	sy	Syrian Arab Republic
am	Armenia	il	Israel	mo	Macao	th	Thailand
aq	Antarctica	in	India	mv	Maldives	tj	Tajikistan
au	Australia	iq	Iraq	my	Malaysia	tk	Tokelau
az	Azerbaijan	ir	Iran, Islamic Republic of	nf	Norfolk Island	tl	Timor-Leste
bd	Bangladesh	jo	Jordan	np	Nepal	tm	Turkmenistan
bh	Bahrain	jp	Japan	nr	Nauru	to	Tonga
bn	Brunei Darussalam	kg	Kyrgyzstan	nu	Niue	tr	Turkey
bt	Bhutan	kh	Cambodia	nz	New Zealand	tv	Tuvalu
cc	Cocos (Keeling) Islands	ki	Kiribati	om	Oman	tw	Taiwan
ck	Cook Islands	kp	Korea, Democratic People's Republic of	pg	Papua New Guinea	uz	Uzbekistan
cn	China	kr	Korea, Republic of	ph	Philippines	vn	Viet Nam
cx	Christmas Island	kw	Kuwait	pk	Pakistan	vu	Vanuatu
cy	Cyprus	kz	Kazakhstan	ps	Palestinian Territories	ws	Samoa
fj	Fiji	la	Lao People's Democratic Republic	pw	Palau	ye	Yemen
fm	Micronesia, Federated States of	lb	Lebanon	qa	Qatar		
ge	Georgia	lk	Sri Lanka	sa	Saudi Arabia		
hk	Hong Kong	mh	Marshall Islands	sb	Solomon Islands		

Documentary evidence

Documents are not necessary for Sunrise 2 applications, but may be requested if required:

SR2a Documentary evidence requirements (only if requested)

Documentary evidence may be requested from applicants under the SR2a phase. Applicant may be required to provide the following documents if the registry or the verification agent deems it necessary to ascertain its eligibility for the domain name applied for:

- ▶ Electronic copy of an official document issued by corresponding trademark office/ trademark registry, or an extract from an official online database operated and/or managed by the corresponding trademark office/ trademark registry, indicating that the trademark is duly registered or applied for on or before **March 16 2004**. Either the original registration or subsequent renewal certificate is acceptable. The applicant should provide accurate and up-to-date information for the consideration of the verification agent; and,
- ▶ If the applicant is an assignee, licensee or is otherwise utilising an identity that different than the registered holder of marks of a registered mark, the requirements described in, '**Licenses, Transfers and Name Change**' below, shall apply, and the applicant may be asked to provide corresponding declarations. Otherwise, the documentary evidence provided must clearly indicate that the registrant contact in the application is also the reported owner or co-owner of the registered mark.
- ▶ An electronic copy of a document certified by a licensed legal practitioner clearly and unambiguously stating:
 - i) that the mark invoked by the applicant has been genuinely used by the applicant for goods and/or services mentioned in the class(es) (if applicable) in which the mark has been registered,
 - ii) the date of first use of the mark by the applicant, and,
 - iii) evidence of the fact that the mark invoked by the applicant in the domain name application meets the relevant eligibilities set out in this policy.

A template form for such document will be made available by the registry. The certified document should be accompanied by certified documentation and/or sample images supporting that the registered mark as used by the applicant fulfils the demonstrable usage* required (see definition explained below).

For documents that are not in English, applicants may be required to supply a certified translation of the document in the English language. The registry or verification agent may further request other relevant documents as well as the original copy of any certified or relevant documents if it deems necessary for the verification of the application.

***Demonstrable usage** is described by the registry as:

Usage of a registered mark (in class registered, if applicable) that can be demonstrated to be registered and genuinely used in good faith and not merely a means to register a domain or otherwise unutilised. Such demonstration of usage should include, for example:

- ▶ samples or images of advertising, promoting, distributing, offering or selling of goods or services (in the registered class of the mark if applicable) of the applicant bearing the registered mark in print or otherwise in display (e.g. signage or engravings); or,
- ▶ public, unmotivated testimonial or evidence that relevant sectors of the public has been led to associate the textual or word elements of the registered mark with the goods or services for which the mark is used by the applicant or with its consent.

Usage must also have taken place in at least one of the countries, economies or territories for which the mark has been registered.

Documentary evidence although not required, may be requested in the accepted electronic format, if the registry or the verification agent deems it necessary to ascertain its eligibility for the domain name applied for, for example, if the applicant registrant is an assignee of the registered mark. When required, an applicant will be asked to provide, at a minimum, electronic extract from an official online database operated and/or managed by the corresponding trademark office or trademark registry, and/or a certified true copy (certified by a licensed legal practitioner) of an official document issued by the corresponding trademark office or trademark registry indicating that the mark is duly applied for on or before December 6 2006 and issued to the applicant's registrant contact. If the registrant contact is an assignee, a declaration of such assignment may be requested. The registry or verification agent may further request the original copy of any certified or relevant documents if it deems necessary.

Documentary evidence for SR2c is as required for SR2a or b.

SR3 Documentary evidence requirements (MUST be provided)

In addition to the required information set out above, applicants must supply documentary evidence in the SR3 phase in order to prove its eligibility for the domain name applied for. As stated above the documentary evidence may be submitted by including a reference URL into the entity name field, or must be submitted electronically otherwise within 10 days of the filing of a domain name application. This submission must be delivered in an accepted electronic format (To be announced).

For the purposes of an SR3 application, an applicant must supply at least one of the following:

- ▶ The registration record relating to the applicant entity at the relevant registry;
- ▶ Certificate of incorporation (and certificate for any subsequent change of names);
- ▶ Certificate of good standing from an official register, a competent public authority, or a notary public; or
- ▶ Other equivalent certified document indicating that the entity is duly formed and in good standing;

Intellectual property requirement (registered mark or entity name)

All Sunrise applications require additional information submitted online relating to the declaration of **Trade Mark/Service Mark/Entity Name** [Intellectual Property Rights (IPR)], to be submitted with each domain name application. It is important to note that after an application is successfully submitted, IPR data may NOT be modified, so it is imperative that it is correct.

The Sunrise period is split into phases, **Sunrise 2** (registered marks) and **Sunrise 3** (unverified registered entity names). Information on the landrush phase will follow.

Sunrise 2 (SR2) is further split into three sub-phases:

SR2a) Early Bird Sunrise, for registered marks with demonstrable usage and applied for on or before March 16 2004.

SR2b) General registered mark Sunrise, for registered marks applied for on or before December 6 2006.

SR2c) Extended protection, for registered marks.

For **SR2** applications, the information required includes:

Registered mark: Exact word or phrase described by the registered mark as applied to the domain name applied for.

Registration number: Registration or serial number of the registered mark's current registration. This number must enable the verification agent to access the correct registration entry in the trademark registry or trademark office.

Registration locality: Location (country/economy) where the right is established (using the corresponding WIPO Standard ST.3 two-letter code at: <http://www.wipo.int/export/sites/www/scit/en/standards/pdf/03-03-01.pdf>).

Application date: Date the registered mark was applied (corresponding to the registration described by the registration number and registration locality above).

Registration date: Date on which the competent trademark office has registered the registered mark (this is not the application date but the day for which the mark is registered and has entered into full force and effect).

Registered class: Number of the class of the registered mark according to the Nice Classification System (<http://www.wipo.int/classifications/nivilo/nice/index.htm#>). If more than one class has been registered with the domain, anyone can be used. This is an **OPTIONAL** field for SR2a and SR2b, and **REQUIRED** for SR2c.

Nature of entitlement: Whether the applicant (corresponding to the registrant contact) holds the trademark as the original "OWNER", "CO-OWNER" or "ASSIGNEE". Please utilise "ASSIGNEE" also to indicate where the ownership of the registered mark is not yet reflected by the trademark office, such as in the case where the mark is recently transferred.

Sunrise phase: "SR2a" / "SR2b" / "SR2c". (i.e. The phase for which the domain is being applied for)

For **SR3** applications, the information required includes:

Entity name: Exact word or phrase forming the registered entity name as applied to the domain name applied for. Applicant may optionally provide the URL containing required documentary evidence for SR3 by incorporating it into this field (e.g. Company Ltd. [<http://company.asia/cert.pdf>]). If such URL is submitted, no additional uploading of the documentary evidence is required.

Registration number: Registration number of the registered entity.

Registration locality: Locality within the DotAsia Community at which the registered entity is registered (ISO3166 code).

Application date: Date on which the registered entity applied for registration.

Registration date: Date on which the registered entity was formally established by being duly registered.

Form of entity: Form of registered entity:

- ▶ Corporations or companies
- ▶ Cooperatives
- ▶ Partnerships or collectives
- ▶ Government bodies, states, sovereigns or municipalities
- ▶ Political parties or trade unions
- ▶ Trusts, estates, associations or societies
- ▶ Institutions
- ▶ Other

Sunrise phase: "SR3".

The documentary evidence submitted by an applicant must clearly show that same entity as the registrant contact and must correspond with the domain name applied for. If the registrant contact has obtained the rights of the registered entity, such as through an acquisition or otherwise is not the same as the documentary evidence, the same documents as described below under '**Licenses, Transfers and Name Change**' is required.

Any documentary evidence submitted to the registry is considered final, with the exceptions given for amendment and reconsiderations. The documentary evidence submitted by an applicant will be posted for public inspection. The registry may request a submission of other relevant documents, such as a certified letter of good standing, by other formats, such as a certified true copy of the original, as it deems necessary. Such requests for documents must be responded to within the time period specified, which shall be no less than 10 days. If additional documentary evidence is requested and an applicant fails to deliver the documentary evidence within the time period stipulated in the request, the application shall lapse. Applicants may also be requested to supply a certified translation (in English) of any documents that are not in the English language.

Licenses, transfers and name changes

Licensee of registered marks

If an applicant has obtained a licence for the registered mark claimed in the application, the applicant may be requested by the registry and/or the appointed verification agent to provide for a license declaration (a template form will be made available by the registry). Such declaration must be duly completed and signed by both the licensor of the claimed registered mark and the applicant (as licensee). If the applicant is a sub-licensee, it may be required to enclose a second declaration, duly completed and signed by the ultimate owner of the registered trade mark concerned and the latter's licensee.

Transferee of registered marks

If an applicant is the transferee of the registered mark claimed in the application and the documentary evidence submitted and/or the official online trademark, as claimed by the applicant in the application, does not clearly indicate that such registered mark has been transferred to the applicant, the applicant may be requested by the registry and/or the appointed verification agent to submit a transfer declaration (a template form will be made available by the registry) duly completed and signed by both the transferor of the relevant registered mark and the applicant (as transferee).

Discrepancy in identity of registered holder of marks

If, for any reasons other than as are referred to here, the name of the applicant does not correspond with the name of the holder of the registered mark claimed as reported in the documentary evidence and/or the official online trademark database, as claimed by the applicant in the application, is registered (e.g. because the applicant has become subject to a name change, a merger, the registered mark has become subject to a *de iure* transfer, etc.), the applicant may be requested by the registry and/or the appointed verification agent to submit official documents substantiating that it is the same person as or the legal successor to the person indicated in the documentary evidence and/or the respective official online trademark database as being the holder of the registered mark.

Nature of entitlement

In any of the above cases, applicant must mention "ASSIGNEE" in the field 'nature of entitlement' in the additional information.