

.ASIA Registry Policies Document	
Title:	.ASIA Reserved Names Policies (FINAL DRAFT)

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Executive Summary

This document describes the Reserved Names Policies for the .ASIA Registry. These policies may be changed and updated from time-to-time based on evolving needs and requirements from the ICANN community as well as from the DotAsia community.

The .ASIA Registry reserved names are managed in 6 tiers:

- Tier 0: ICANN Reserved Names – names reserved based on the Registry Operator Contract with ICANN
- Tier 1: Governmental Reserved Names (Exclusive Reservations)
- Tier 2: Governmental Reserved Names (Priority Reservations)
- Tier 3: Governmental Reserved Names (Startup Reservations)
- Tier 4: DotAsia Organisation Reserved Names – names reserved for use by the DotAsia Organisation for its operations and promotion of the .ASIA Registry
- Tier 5: Community Reserved Names – names reserved for community development purposes and to promote the adoption of the .ASIA TLD.

Reserved names are not intended to be prohibited names, and may be activated by corresponding and appropriate entities based on relevant policies. The list of reserved names may also be updated from time to time.

Table of Contents

1	Introduction.....	2
1.1	Definitions.....	2
1.2	Scope and Documentation	3
2	Tier 0: ICANN Reserved Names	3
3	Tier 1-3: Governmental Reserved Names.....	5
3.1	Tier 1: Exclusively Reserved – Governmental Reserved Names.....	5
3.2	Tier 2: Priority Reservations – Governmental Reserved Names.....	5
3.3	Tier 3: Startup Reservations – Governmental Reserved Names	6
3.4	Submission and Activation of Governmental Reserved Names	6
4	Tier 4: DotAsia Organisation Reserved Names.....	7
5	Tier 5: Community Reserved Names	8
6	Activation of Reserved Names	8
7	Considerations for Intellectual Property Rights	8
8	Miscellaneous.....	9
8.1	Modifications, Guidelines and Enforceability	9
8.2	Limitation of Liability and Decisions by Registry.....	9

Title:	.ASIA Reserved Names Policies (FINAL DRAFT)		
Status:	Final Draft	Version:	1.3
		Page:	1 of 10

Discussion

1 Introduction

The Reserved Names policy is developed based on three general areas of consideration:

- ICANN Contract and community requirements
- Governmental and public policy interests
- Promotion and development of the .ASIA TLD

While the Sunrise process provides for the introduction of the .ASIA TLD in an orderly way which takes into consideration reasonable protection and priority for relevant prior rights, the Reserved Names Policy is designed to further curb abusive registrations and to create a stable and effective launch, which promotes adoption and usage. Parts of the Reserved Names Policy are intertwined with the Sunrise process and the ICANN Agreement. For example, the Governmental Reserved Names (Tiers 1-3) corresponds to the Pre-Sunrise and Sunrise 1 phases. Other parts of the Reserved Names Policy are designed for developmental purposes in promoting the adoption and usage of the .ASIA TLD.

1.1 Definitions

.ASIA Registrar / Accredited Registrar	Accredited Registrar means an ICANN Accredited Registrar that is also Accredited for the .ASIA Registry in this document
.ASIA Registry	The ".ASIA Registry" is the TLD Registry Sponsored and operated by DotAsia Organisation Ltd. ("DotAsia"). DotAsia is a not-for-profit, limited-by-guarantee corporation incorporated in Hong Kong.
Applicant	The Applicant of a domain name is the collective of entities implicated by the associated contacts of a domain registration application. More specifically, this includes the Registrant Contact and the contact used in making the declaration that an application meets the Charter Eligibility Requirement.
Charter Eligibility Requirements	Charter Eligibility Requirements mean the basic requirements to qualify as a domain registrant for the .ASIA Registry. A separate document, Charter Eligibility Requirement Policy provides further details on the subject.
DotAsia Community	The DotAsia Community is defined based on the geographical boundaries described by the ICANN Asia / Australia / Pacific region (http://www.icann.org/montreal/geo-regions-topic.htm)
GAC	Government Advisory Committee of ICANN
GACKREF	Governmental Acknowledgement Reference is a special term used for the contact point for which the .ASIA Registry will be coordinating the Verification of domain registration applications for Reserved Names compiled in the Pre-Sunrise period.
ICANN	Internet Corporation for Assigned Names and Numbers

Title:	.ASIA Reserved Names Policies (FINAL DRAFT)		
Status:	Final Draft	Version:	1.3
		Page:	2 of 10

IDN	Internationalized Domain Names. Domain names that contain characters beyond the LDH repertoire.
LDH	Letter-Digit-Hyphen. A special term to describe the expression of a Fully Qualified Domain Name utilizing only the ASCII alphabet: A-z and digits: 0-9, plus the hyphen
Reserved Names List	The list of domain names to be reserved from the availability for general registrations and to be allocated based on appropriate processes described by ICANN or specifically developed policies of the .ASIA Registry.
Sponsoring Registrar	The Accredited Registrar for which a domain name is registered with.
TLD	Top Level Domain
UDRP	Uniform Dispute Resolution Policy means the ICANN UDRP as described in http://www.icann.org/dndr/udrp/policy.htm

1.2 Scope and Documentation

This document describes the framework of reserved names for the .ASIA TLD. Specific names to be reserved are not generally included in this document and may be changed from time to time. Section 2 describes the ICANN Reserved Names, whereas Section 3 explains the Governmental Reserved Names process. Section 4 and 5 outlines the reserved names for use by the DotAsia Organisation as well as other names allocated for community development purposes. Section 6 and 7 describes the general approach for the activation of these reserved names and the considerations given for protecting the rights of others respectively. Finally, Section 8 includes miscellaneous policies about the obligations, liabilities and other terms and conditions of the .ASIA Reserved Names process.

2 Tier 0: ICANN Reserved Names

ICANN Reserved Names are reserved names defined in the Registry Operator Contract with ICANN. 8 types of reserved names are described in the Agreement itself and Appendix 6 respectively:

1. TLD Strings
2. ICANN-Related Names
3. IANA-Related Names
4. Single Character Labels
5. Two-Character Labels
6. Tagged Domain Names
7. Reservations for Registry Operations
8. Geographic and Geopolitical Names

The following is the relevant excerpt from the contract (Section 3.1(d)(i)) describing the reservation of TLD strings:

“(C) Registry Operator shall reserve, and not register any TLD strings (i) appearing on the list of reserved TLD strings attached as Appendix 6 hereto or (ii) located at

Title:	.ASIA Reserved Names Policies (FINAL DRAFT)				
Status:	Final Draft	Version:	1.3	Page:	3 of 10

http://data.iana.org/TLD/tlds-alpha-by-domain.txt for initial (i.e., other than renewal) registration at the second level within the TLD.”

The .ASIA Registry will treat all TLD strings as reserved names at the second-level. When a new TLD is added, the registry will add the corresponding domain to the Reserved Names List. Should the domain be already allocated, it will generally be allowed to be renewed by the current registered domain holder. However, should the domain be deleted, it will subsequently be reserved and not available for general registration.

Consent of the TLD Manager of the corresponding domain will be sought if the domain is to be activated. Further details of the activation process are described in Section 6 below.

ICANN related names and IANA related names may be activated with the consent from ICANN and/or IANA where appropriate.

Single character domains will initially be reserved until such policy for releasing them is developed, and consent from ICANN is obtained. Two-character domains, except for those that represent a TLD or those that are reserved further under point Geographic and Geopolitical Names, will also be reserved until such policy for releasing them is developed, and consent from ICANN is obtained.

Tagged domain names refer to reservations in light of the Internationalized Domain Names (IDN) standards, described by RFC 3490, 3491 and 3492, which designates that a domain name beginning with the prefix “xn--” (containing the flag “--” at the third and fourth character positions) represents a non-LDH (Letters-Digits-Hyphens) domain. The .ASIA Registry will release IDN registrations based on a schedule that takes into consideration the upholding of the stability and security of the registry, the rights of others, as well as appropriate technical standards and the ICANN IDN Guidelines. Registration for domains containing the character sequence “--” at the third and fourth character positions of an LDH (letters digits hyphens) domain will not be allowed unless corresponding policies have been established and such provision is explicitly released.

Reservations for Registry Operations are domains reserved for use by the Registry Operator. The management of these names are moved to Tier 4 and further discussed under Section 4.

The following is an excerpt from the Registry Operator Contract with ICANN (Appendix 6) with regards to Geographical and Geopolitical Names:

“E.Geographic and Geopolitical Names. All geographic and geopolitical names contained in the ISO 3166-1 list from time to time shall initially be reserved at both the second level and at all other levels within the TLD at which the Registry Operator provides for registrations. All names shall be reserved both in English and in all related official languages as may be directed by ICANN or the GAC. In addition, Registry Operator shall reserve names of territories, distinct geographic locations, and other geographic and geopolitical names as ICANN may direct from time to time. Such names shall be reserved from registration during any sunrise period, and shall be registered in ICANN's name prior to start-up and open registration in the TLD. Registry Operator shall post and maintain an updated listing of all such names on its website, which list shall be subject to change at ICANN's direction. Upon determination by ICANN of appropriate standards and qualifications for registration following input from interested parties in the Internet community, such names may be approved for registration to the appropriate authoritative body.”

As described, the list of reserved names will be provided by ICANN from time to time, and maintained at the .ASIA Registry. Certain names included under this category are also covered by Tier 1 of the Governmental Reserved Names. More specifically geographic and geopolitical names contained in the ISO 3166-1 list within the DotAsia Community. The activation of these names will be managed based on the process described in Section 3.1. Otherwise, the

Title:	.ASIA Reserved Names Policies (FINAL DRAFT)				
Status:	Final Draft	Version:	1.3	Page:	4 of 10

geographic and geopolitical names are reserved and the process for releasing them will follow activation processes which currently apply to this category of reserved names for other ICANN gTLDs.

3 Tier 1-3: Governmental Reserved Names

Tiers 1-3 are dedicated to names relevant to governments in the DotAsia Community. The DotAsia Organisation believes that governments are important stakeholders in the DotAsia community. Similar to the Sunrise Policies, this framework was developed based on extensive discussions between the beginnings of the DotAsia initiative, through the submission of the proposal to ICANN, and most importantly the broad in-depth discussion with the community, including government representatives, during the comprehensive clarification process.

The Governmental Reserved Names process described in this document follows from the startup framework referenced in the Registry Operator Agreement with ICANN (Appendix S):

#	Phase	Description
0	Pre-Sunrise	Solicitation of reserved domains list from ccTLDs and governments (through GAC representatives)
1	Sunrise 1	Corresponding governments and/or relevant entities may “activate” (i.e. register) domains from the reserved domains list obtained during Pre-Sunrise on a First-Come-First-Served basis

This document provides additional clarification and refinement for the reserved domains list process as set out in Pre-Sunrise. Further description of the solicitation and submission of reserved names by the government (during Pre-Sunrise) and the activation process (in Sunrise 1) will also be provided below and in Section 6.

3.1 Tier 1: Exclusively Reserved – Governmental Reserved Names

Tier 1 names are exclusively reserved and can only be activated by the corresponding government, public body or appropriate parties with the consent of the corresponding governmental reference. Should the name lapse or be deleted after it is activated, it will be re-entered into the Reserved Names List and will not be generally available to registrants. Non-activated names will continue to be reserved.

Tier 1 is designed for Country / Economy Names and their established variants (including acronyms and different common expressions for a country or economy name). This incorporates and expands the provisions for geographic and geopolitical names as defined in Appendix 6 and described above in Section 2. Governments in the DotAsia Community are invited to also include other relevant names, based on the described conceptual framework, as they see fit during the Pre-Sunrise process. The DotAsia Organisation encourages a reasonable scope that fosters adoption of the .ASIA TLD by the community at large.

3.2 Tier 2: Priority Reservations – Governmental Reserved Names

Tier 2 reserved names can only be activated by a corresponding government, public body or appropriate parties with the consent of the corresponding governmental reference during Sunrise, Landrush and the first 18 months upon Go Live. Non-activated names will be released after this 18 month period. If a domain is activated from the Reserved Names List, and is subsequently deleted (or lapsed), the domain will remain on the Reserved Names List upon its deletion for 18

Title:	.ASIA Reserved Names Policies (FINAL DRAFT)				
Status:	Final Draft	Version:	1.3	Page:	5 of 10

months (Extended Priority Reservation Period). During this 18-month Extended Priority Reservation Period, the domain can only be activated by a corresponding government, public body or appropriate parties with the consent of the corresponding governmental reference.

Tier 2 is designed for names describing geographical indication or denomination of origin; government / public body / public institute names (that explicitly expresses the Country or Economy in the name) and their established variants. For example names of provinces/states, major cities (e.g. national capital, province/state capitals, congregations or cities with a large population, etc.), and names of government departments, ministries or governmental organisations that include the name of the locality for which the body is in. More specifically, the reserved name should clearly demarcate the locality of origin (based on the ISO3166-1 list) of the government body if for a governmental department or unit name.

During the Pre-Sunrise process, governments in the DotAsia Community are invited to include other relevant names, based on the described conceptual framework, as they see fit. The DotAsia Organisation encourages a reasonable scope that fosters adoption of the .ASIA TLD by the community at large.

3.3 Tier 3: Startup Reservations – Governmental Reserved Names

Tier 3 reserved names can only be activated by the corresponding government, public body or appropriate parties with the consent of the corresponding governmental reference during the Sunrise and Landrush periods. Non-activated names will be released after Landrush. Any domain activated from this tier will become a normally registered domain name in the registry. If the domain is subsequently deleted (or lapsed) the domain will enter the normal domain deletion process based on general Registry Policies.

Tier 3 is designed for names of smaller cities, regions and place names, registered and unregistered government trademarks or other names, phrases and marks with established prior use by and generally attributed to the government (e.g. slogans used for promotion of tourism, trade, etc.).

Governments in the DotAsia Community are invited to include other relevant names in Tier 3, based on the described conceptual framework, as they see fit during the Pre-Sunrise process. The DotAsia Organisation encourages a reasonable scope that fosters adoption of the .ASIA TLD by the community at large.

3.4 Submission and Activation of Governmental Reserved Names

As described in the Sunrise Policies document, during the Pre-Sunrise phase, the DotAsia Organisation will use commercially reasonable best efforts to reach out and solicit from the governments in the DotAsia Community a list of relevant reserved names in the context of the .ASIA Registry. The framework of the Reserved Names List is described above in Section 3.1 – 3.3 (in Tiers 1-3).

The DotAsia Organisation will mainly utilize the contacts from the ICANN GAC representatives from the community as well as through our Sponsor Members (ccTLDs in the DotAsia Community) and the IANA ccTLD contacts to communicate and reach out to the relevant stakeholders in the community.

Submissions of the Governmental Reserved Names will be accepted via email, fax and postal mail during the Pre-Sunrise period. The Reserved Names List is further subjected to changes

Title:	.ASIA Reserved Names Policies (FINAL DRAFT)				
Status:	Final Draft	Version:	1.3	Page:	6 of 10

from time to time by corresponding governments, which may also be provisioned via email, fax and postal mail. When new names are added, the registry will add the corresponding domains to the Reserved Names List. Should the domain be already allocated, it will generally be allowed to be renewed by the current registered domain holder. However, should the domain be deleted, it will subsequently be reserved and not available for general registration.

The Reserved Names List will not be generally available. However, appropriate information for reserved names that are not already activated will be available via the public WHOIS. Activated names will contain regular WHOIS information with all corresponding contact and name server delegation data.

Also as described in the Sunrise Policies document, during Sunrise 1 (SR1), corresponding governments, public bodies and/or relevant entities that meet the Charter Eligibility Requirements may “activate” (i.e. register) domains from the Reserved Names List submitted during Pre-Sunrise. All registrations must be procured through ICANN Accredited Registrars who are also .ASIA Accredited. All registration applications will go through a verification process coordinated via the corresponding Governmental Acknowledgement Reference (GACKREF).

During Sunrise 1 and for subsequent requests for activation of a reserved name within the Governmental Reserved Names, the appointed GACKREF of the corresponding government will be contacted. The .ASIA registry will seek advice from the GACKREF on whether the domain application request for the particular reserved name is appropriate. After receiving the response from the GACKREF, the .ASIA registry will allocate or decline the domain accordingly. In cases where further information may be required by the GACKREF to provide advice, the GACKREF may directly contact the domain applicant or request the .ASIA Registry to further obtain information, documentation and credentials from the prospective applicant.

The appointed GACKREF may be an individual or a department for which the .ASIA Registry may contact; for example, the ICANN GAC (Government Advisory Committee) representative. The appointment may be updated from time to time by the corresponding government. By default, the GACKREF will be the corresponding GAC representative. In the case where a GAC representative is not appointed, or a response cannot be obtained from the GAC representative, the corresponding ccTLD manager will be contacted and consulted. In the case where no GACKREF has been established or can be contacted, the .ASIA Registry may further seek advice from the ICANN GAC secretariat.

4 Tier 4: DotAsia Organisation Reserved Names

Tier 4 reserved names include names defined based on the Registry Operator Contact with ICANN (Appendix 6), as well as other names the Organisation will be using for its operations and the promotion of the .ASIA TLD. The following is the relevant excerpt from the Registry Operator Contract:

“D. Second-Level Reservations for Registry Operations. The following names are reserved for use in connection with the operation of the registry for the Registry TLD. Registry Operator may use them, but upon conclusion of Registry Operator’s designation as operator of the registry for the Registry TLD they shall be transferred as specified by ICANN:

- *nic*
- *whois*
- *www*”

Besides the names described above, the DotAsia Organisation will utilize a number of names for its own operations and for the promotion of the .ASIA Registry (e.g. Registry.Asia). Domains

Title:	.ASIA Reserved Names Policies (FINAL DRAFT)				
Status:	Final Draft	Version:	1.3	Page:	7 of 10

reserved for Tier 4 will be clearly marked as operated by the DotAsia Organisation and searchable in the public WHOIS with all relevant information. The list of reserved names in Tier 4 will be updated from time to time by the DotAsia Organisation in support of its operations and promotional efforts.

5 Tier 5: Community Reserved Names

Tier 5 reserved names are intended for the development and promotion of usage and adoption of the .ASIA TLD by the Internet community in Asia and around the world. Furthermore, Community Reserved Names are intended to leverage and attract commitment into positive and creative usage, development and marketing of .ASIA domain names. These in turn will help to generate valuable relevant content, utilization and participation from the community in the .ASIA namespace.

Domains reserved for Tier 5 will be clearly marked as Community Reserved Names and searchable in the public WHOIS with relevant information. Activated names may continue to be marked as a Community Reserved Name along with relevant information of the operator of the domain. The list of reserved names in Tier 5 will be updated from time to time by the .ASIA Registry in support of the community development efforts described above.

Appropriate challenge processes to protect the rights of others will be established prior to the development, use and/or release of Community Reserved Names.

6 Activation of Reserved Names

Activations of reserved names will generally be provisioned via ICANN Accredited Registrars who are also .ASIA Accredited. These include the activation of Governmental Reserved Names (Tiers 1-3) as well as Community Reserved Names (Tier 5). Certain domains from ICANN Reserved Names (Tier 0) and DotAsia Organisation Reserved Names (Tier 4), which are allocated for operational purposes, will be directly procured and locked at the registry. Complete WHOIS information will be publicly accessible for such allocations.

The process for activating Governmental Reserved Names is described in more detail in the Sunrise Policies document. While Sunrise 1 is anticipated to run for a period of time during the Startup phase of the .ASIA TLD, the process for activations of Tier 1 and 2 Governmental Reserved Names will continue beyond the Sunrise and Landrush phases. All activation requests must be procured via a .ASIA Accredited Registrar with the application submitted via EPP compliant interfaces. Documentary evidences and other supplementary information may be requested via email or other forms of communication media where appropriate.

7 Considerations for Intellectual Property Rights

The DotAsia Organisation is committed to the introduction of the .ASIA TLD in an orderly way which takes into consideration reasonable protection and priority for relevant prior rights and to curb abusive registrations. The .ASIA Reserved Names Policy is not intended to circumvent the opportunity for Intellectual Property Rights (IPR) holders to claim their rights for domain names under the .ASIA TLD. Activated reserved names are subjected to the UDRP (Uniform Domain-Name Dispute-Resolution Policy), as with all other domains registered via .ASIA Accredited Registrars.

Title:	.ASIA Reserved Names Policies (FINAL DRAFT)				
Status:	Final Draft	Version:	1.3	Page:	8 of 10

With regards to Community Reserved Names, appropriate challenge process will be established to ensure that the development, use or release of such names do not infringe upon the prior established rights of others.

8 Miscellaneous

8.1 Modifications, Guidelines and Enforceability

The .ASIA Registry may issue interpretive guidelines on its website or to prospective applicants for reserved names regarding the provisions of these Reserved Names policies. The .ASIA Registry may modify these Reserved Names policies from time to time, which modifications will take effect at the time they are announced on the Registry's website.

If any part of these Reserved Names Policies is declared invalid or unenforceable for any reason, the remainder of these policies will be valid and enforceable as if the invalid or unenforceable part were not included herein. There shall be substituted for any invalid or unenforceable provision a suitable provision that, as far as is legally possible, comes nearest to the sense and purpose of these Reserved Names policies, taking into account all other applicable rules and policies.

8.2 Limitation of Liability and Decisions by Registry

To the extent allowed under mandatory law, the .ASIA Registry shall only be liable where the Registry's wilful misconduct is proven. In no event shall the .ASIA Registry be held liable for any indirect, consequential or incidental damages or loss of profits, whether contractual, based on tort (including negligence) or otherwise arising, resulting from or related to the reservation or registration or use of a Domain Name or to the use of its software or website, even if it has been advised of the possibility of such loss or damages, including but not limited to decisions taken by the Registry to reserve or not to reserve or activate (register) or not to activate (register) a Domain Name on the basis of the findings of the Governmental Acknowledgement Reference(s), ICANN or other points of authorities, as well as the consequences of those decisions.

Applicants for Reserved Names shall hold the Registry harmless from claims filed or disputes initiated by third parties, and shall indemnify and compensate the Registry for any costs or expenses incurred or damages for which it may be held liable as a result of third parties taking action against it on the grounds that the Application for or the registration or use of the Domain Name by the Applicant infringes the rights of a third party.

To the extent allowed under mandatory law, the .ASIA Registry's liability for damages shall in any case be limited to the corresponding application fees collected for the relevant application (application request) by the .ASIA Registry (that is, the fees collected from the Sponsoring Registrar by the .ASIA Registry for the submission of the corresponding application not including any auction fees or other fees charged, revenues shared, or monies received for any other purposes). The Applicant agrees that no greater or other damages may be claimed from the Registry (such as, but not limited to, any fees payable or paid by the Applicant or the Complainant in the context of judicial or non-judicial proceedings initiated against a decision by the Registry to register or not to register a Domain Name). The Applicant also agrees to submit to a binding arbitration for disputes arising from the Reserved Names process and related allocation of domain names.

For the purposes of this Section, the term "Registry" or ".ASIA Registry" also refers to the members of the DotAsia Organisation, its subcontractors, including the any point of authority

Title:	.ASIA Reserved Names Policies (FINAL DRAFT)				
Status:	Final Draft	Version:	1.3	Page:	9 of 10



consulted, and the Governmental Acknowledgement References, and each of their respective directors, agents and employees. The obligations of Sponsoring Registrars are laid out in the Registry-Registrar Agreement and shall prevail during and for purposes related to the Reserved Names process.

Title:	.ASIA Reserved Names Policies (FINAL DRAFT)				
Status:	Final Draft	Version:	1.3	Page:	10 of 10