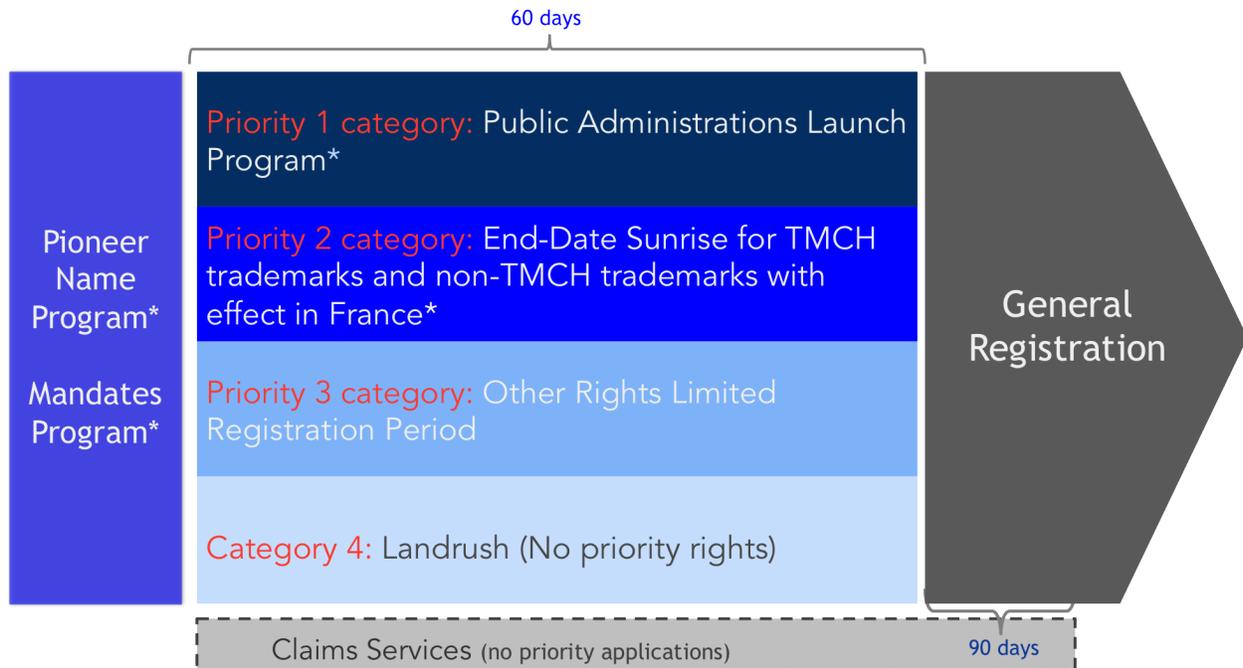


.paris Launch Plan Overview

Overview

Launch Phase: One single 60-day period for 4 categories

Applications for the 4 Categories will be submitted simultaneously. Registrations will be allocated at the end of this 60-day Launch Phase according to their priority status.



* Pending ICANN Approval

1. Local Nexus: Community membership and Use of the domain according to the goals of the .paris TLD

To register a .paris domain name at any stage (i.e. in pre-launch phase, launch phase or general registration) the following conditions must be fulfilled:



(A) **Community Membership.** The applicant must be an individual or legal entity with bona fide presence, direct or indirect, in the Paris area or in Paris as the capital of France. The “**Paris area**” means the Greater Paris area. A bona fide presence in the Paris area may be:

- residence in the Paris area, or
- the pursuit of lawful business activities in the Paris area, or
- the pursuit of cultural activities in the Paris area, or
- any other kind of direct or indirect presence that is generally accepted as legitimate for, and conducive to the welfare of, the Paris area.

(B) **Use according to the goals of the .paris TLD.** In addition, the presence in the Paris area and use of the .paris domain name applied for must be:

- generally accepted as legitimate; and
- conducive to welfare of the Paris area; and
- commensurate to role and importance of domain; and
- based on good faith at registration and thereafter.

The strength of the validation is kept in line with the importance of the underlying domain name base on the assumption that an average user would reasonably make in the context of that domain name.

2. Pre-launch Phase: Pioneer Name and Mandates Programs

During the pre-launch phase, Registry Operator intends to conduct:

- **Pioneer Name Program (subject to ICANN’s approval)** for the purpose of promoting the .paris TLD. Registry Operator intends to select and allow registration of a maximum of ninety eight (98) domain names under this program (“**Pioneer Names**”). Such Pioneer Names will be selected by the Registry Operator from among the eligible expressions of interests received, based on a criteria of visibility, notoriety and commitment to the promotion of the .paris TLD. The specific eligibility criteria are set forth in the .paris call for proposals.
- **Mandates Program Early Activation Segment (pending ICANN’s approval)** for the purpose of establishing the reputation of the .paris name space by way of noteworthy examples and thus supporting a fair and orderly registration process. The Early Activation Segment



of the Mandates Program involves domains names selected for use under the mandate paradigm in the Call for Proposals concluded on January 30, 2014, with the intention of activating the selected names before the Sunrise period. The Mandates Program as a whole is intended to promote the organic development of the .paris name space in a way to maximize its value to its users (and thus indirectly to domain holders and mandate holders). Under this program Registry Operator intends to grant the right to use certain key public-interest portions of the name space to operate them on the basis of a mandate of limited duration, renewable at the sole discretion of the Registry Operator, for the purpose of providing content in the community interest.

These programs adjudicate domain names based on an open and transparent project selection process. All projects and content provision commitments are actively sought and negotiated, especially for key public-interest portions of the name space. All potential registrants and mandate holders are subject to screening and thorough pre-validation.

Launch Phase

The Launch Phase for .paris will start on (...) and will end on (...). During this single 60 calendar day period, four types or “categories” of applications will be accepted: three categories for registrants with prior rights, and an additional one for applications without prior rights (Landrush). Applications for all these 4 categories will be **accepted simultaneously** and will be allocated at the end of this single 60-day Launch Phase window according to the hierarchy of priority status of each category, while always requiring compliance with the general eligibility requirements (i.e. local nexus) set forth in 1 above. 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 Operator. Self-declaration will not be sufficient.

The categories are the following, according to priority status (from top-priority to lesser priority):

- **Priority 1 Category: Public Administrations Launch Program (pending ICANN approval):** This Launch Program is intended to allow public administrations in the Paris area to register their own names, names of public services, geographical names and names of local landmarks under their control, according to local law.
- **Priority 2 Category: TMCH and local trademarks Sunrise Launch Program (pending ICANN approval):** end-date Sunrise for (i) TMCH-validated trademarks, (ii) non TMCH-validated trademarks with effect in France (i.e. French trademarks, EU



Community trademarks and WIPO International trademarks registered in France) and (iii) geographical indications recognized by International treaties, EU regulations or French legislation.

- **Priority 3 Category: Other prior rights Limited Registration Period:** limited registration period for other rights such as: (i) corporate names, trade names and DBA names, including clear variations and/or abbreviations thereof, of corporations with legal seat or place of business in the Paris area; and (ii) registered names, including clear variations and/or abbreviations thereof, of non-for-profit legal entities with legal seat or place of business in the Paris area.
- **Landrush:** For registrants without priority rights.

Claims Services will be provided from day 1 of the Launch Phase (day 1 of the 4 simultaneous Launch Categories) until at least 90 days from the start of General Registration, that is, from [date] to [date].



Launch Application #2 (Public Administrations Program)

Internet Corporation for Assigned Names and Numbers (“**ICANN**”)
12025 Waterfront Drive, Suite 300
Los Angeles, California 90094
Attention: New gTLD Program Staff

RE: Launch Application Request

The City of Paris, Registry Operator for the .paris TLD, hereby submits for approval the below described launch program pursuant to Section 4.5.2 of the Trademark Clearinghouse Rights Protection Mechanism Requirements (the “**TMCH Requirements**”). The City of Paris desires to offer a launch program on the following registration policies and terms and conditions (the “**Launch Application**”):

1. Description of the Launch Program

1.1 Mission and status

During the Approved Launch Program (“**ALP**”) only the relevant Public Authorities in the Greater area of Paris (Région Île-de-France) will be allowed to register names subject to the Eligibility and Name Selection requirements set forth below. To put this Public Administrations ALP in due context, we enclose as **Annex 1** an overview of the whole Start-Up program, which the City of Paris intends to conduct.

This ALP is independent from the Qualified Launch Program under Section 4.5.1 of the TMCH Requirements (Pioneer Program) that the City of Paris intends to conduct, as it has a different purpose. Namely, the aim of this ALP is the protection of legitimate rights, not the promotion of the registry services at its launch.

1.2 Eligibility

Public Authorities with competences over the Greater area of Paris (Région Île-de-France) only. Here, “**Public Authorities**” means international, national, regional, local and municipal authorities and other governmental departments; as well as other public institutions or appropriate entities under French law (like agencies, consortiums, commissions, and other administrative divisions) of the Greater area of Paris, or having competences over it.

1.3 Name Selection

Under this ALP, Public Authorities referred to in 1.2 above may register the following names:

- (i) Names of Public Authorities referred to in 1.2 above, including any clear variations and abbreviations thereof (e.g. acronyms) and other terms in common use to describe them (e.g. mairie.paris);
- (ii) Names of public services for which Public Authorities referred to in 1.2 above have specific responsibilities. 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; or
- (iii) Geographical names for any subdivision of the Greater area of Paris (e.g. departments, districts, neighborhoods cantons, streets...), local landmarks,



and other locally-relevant and iconic names over which the Public Authorities referred to in 1.2 above are the relevant authority according to local law, including clear variations and abbreviations thereof.

1.4 Contention Resolution within this category

If within this ALP there is more than one application for the same name, the names applied for by the City of Paris will have priority over the names applied by other Public Authorities (as defined in 1.2. above).

If there is more than one application for the same name applied for by Public Authorities other than the City of Paris, the following contention resolution processes will apply:

- (i) agreement between contenders (withdrawal and refund of application);
- (ii) mediation and arbitration or random selection (if all contenders agree); and
- (iii) auction, as a tie-breaker of last resort.

1.5 Priority

This Public Administration ALP will allocate eligible names with priority over Sunrise and any Limited Registration Periods.

1.6 Duration

This ALP will last sixty (60) calendar days and it will run in parallel with the rest of the Launch Phases (see **Annex 1**).

1.7 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 **Public Administrations Launch Program Dispute Resolution Policy** established by the City of Paris (attached as **Annex 2**). The said Public Administrations Launch Program Dispute Resolution describes the process and standards that will be applied to resolve challenges alleging that a domain name has been allocated or declined to be allocated in the TLD in violation of the



Public Administration Launch Program Eligibility and/or Name Selection Requirements set forth in 1 and 2 above.

3. Respect to third party intellectual property rights

This Public Administrations ALP meets all the requirements of the Guidebook and Specification 7, as it expands the rights-protection mechanisms set forth there while fully respecting the minimum requirements established there. Specifically, this ALP (i) would not contribute to consumer confusion, but it is instead aimed at avoiding confusion; and (ii) would not contribute to the infringement of intellectual property rights. This is because:

- Public Authorities have an uncontested right to use certain names for their public services. This uncontested right is based on the public interest behind those names and does not come from, nor conflict with, trademark rights.
- Trademark registration is either unavailable or inadequate to protect these names for the relevant Public Authorities in relation to the goods or services within its primary meaning (for which they are non-distinctive) but is nevertheless available for third parties using the same name with a secondary meaning unrelated to the public sector. Examples such as “metro” (it can be trademarked for any service, except for underground railway transportation), “opera” (unavailable to registration for Opera Theaters but open to trademark registration for cafés, hotels or software services), “police” (unavailable for security forces, but available for registration as trademark for any other services or goods, like sunglasses) come to mind.
- Giving priority to the secondary meaning over the primary meaning of names for registration under the TLD would lead to notable user confusion and unwarranted extension of the rights. As all those public interest services have a strong identification with each locality (in this case the Paris area), giving priority to other uses would be both confusing to local citizens and Internet users alike (think of police.paris for anything different than the police of the city of Paris) and also a stretch of trademark rights contrary to French law.



- Any alternative, such as reserving all possible names affected, would result in over-protection of those names and unneeded additional limitations to trademark rights.

4. Presumption of Approval

In addition, the requirements of this ALP were set forth in reasonable detail in the City of Paris's answer to Q29:

"1 - Sunrise: Criteria; Conflict Resolution; Mechanisms

As explained in answers to questions 18 and 20, .PARIS Sunrise will consist of a long, orderly Sunrise period during which multiple applications will be accepted and published, and then validated, prioritized and eventually accepted or rejected according to their relative priority.

The Sunrise will have two main Categories, each one with different sub-categories:

** **Public Administrations (for public authorities with legal competences in the territory of .PARIS as defined, but also with a last-in-priority phase for other public administrations wishing to protect their names in .PARIS).***

** Trademarks, and other Distinctive Signs (with full compliance with the Trademark Clearinghouse process; also giving priority to Trademarks that have legal effect in the relevant territory for the .PARIS TLD, that is : TM registered in France at INPI, European TM registered with OHMI, and International TM in force in France according to the Madrid system).*

Each application will be individually validated against both the general requirements of .PARIS registration policies and the specific requirements of each Category or Sub-Category. Priority will be differentiated by Category (and Sub-category) each one having absolute priority over the next one.

Within each Category (and Sub-category) all validated applications will be deemed to carry the same rights. Auction will be the last resort resolution mechanisms for intra (sub-)category concurrent applications, but the party may avoid it by electing for Mediation.



When rejecting an application, the applicant will have one week to notify its intention to appeal the decision (before an independent Mediation and Arbitration Center). In that case, no application for the same name from the same or lower rank in Sunrise priority will be approved, pending the Appeal. If the Appeal decisions ruling that the Registry failed to apply the Sunrise Registration Policies in an adequate manner, will result in the restoration of the domain name which processing will then resume according to the Sunrise Registration Policies (within the category or lower priority categories)

The registry will also offer the TM Claims mechanism as provided by the TM Clearinghouse. This service will be provided not just for the Sunrise period, but also afterwards, during the Ongoing Registration Phase.”

In this application the City of Paris simply clarifies Name Selection, that is, the subset of names which Public Authorities may effectively apply for during the ALP, while priority and eligibility are identical to the description provided in the .paris application. Therefore, pursuant to Section 4.5.2 of the RPM Requirements, this ALP should carry the presumption of being approved.

5. Final Assurances

The City of Paris represents that the Launch Application described above is a true and correct description of The City of Paris’s launch program. The City of Paris agrees that if the City of Paris makes any changes to the Launch Application (whether before or after the Launch Application has been approved), it will promptly provide ICANN with a revised description of the Launch Application.

The City of Paris acknowledges and agrees that in the event that any of the information contained in the Launch Application becomes untrue (including after ICANN has approved the Launch Application), any approval granted by ICANN to the City of Paris for the Launch Application shall immediately expire, and the City of Paris shall immediately cease accepting registrations or allocations under the Approved Launch Program.



Enclosed:

Annex 1: VDP-pointParis-Startup-Plan-Overview-att1.pdf

Annex 2: VDP-pointParis-Public-Administrations-Dispute-Resolution-Policy-att2.pdf

Submitted by: Jean-Philippe Clement
Position: Secondary Application Contact
Date Noted: 31 March 2014
Email: pointparis@paris.fr



.paris Public Administration Launch Program Dispute Resolution Policy (PADRP)

This Public Administrations Program Dispute Resolution Policy (the “**PADRP**”) established by the City of Paris (the “**Registry Operator**”) is incorporated by reference into the .paris Registration Agreement. A PADRP complaint may be filed against a .paris domain name allocated or declined during the Public Administration Launch Program (the “**PALP**” or “**PALP Period**”).

1. Purpose

This PADRP describes the process and standards that will be applied to resolve challenges alleging that a domain name has been allocated or declined to be allocated in the .paris TLD (the “**TLD**”) in violation of the PALP Eligibility and/or Name Selection Requirements. This PADRP will not be applied to Registry-reserved names in the TLD or to domain names registered during Sunrise or any Limited Registration Period.

2. Applicable Disputes

A .paris domain name allocated or denied allocation in the TLD during the PALP Period will be subject to this PADRP upon submission of a complaint alleging that the allocation or allocation denial was improper under one or more of the following criteria.

a. Improper PALP Allocation

A complaint under this section shall be required to show by reasonable evidence that a .paris domain name allocated in the TLD does not comply with the Registry Operator’s PALP Eligibility and/or Name Selection Requirements.

Specifically, the complaint must prove one or more of the following elements:



- (i) The registrant is not a Public Authority with competences over the Greater area of Paris (Région Île-de-France). “**Public Authorities**” means international, national, regional, local and municipal authorities and other governmental departments; as well as other public institutions or appropriate entities under French law (like agencies, consortiums, commissions, and other administrative divisions) of the Greater area of Paris or having competences over it; and/or
- (ii) The registration does not correspond with the name of a Public Authority referred to in (i) above, including any clear variations and abbreviations thereof and other terms in common use to describe them; and/or
- (iii) The registration does not correspond with the name of a public service for which Public Authorities referred to in (i) above have specific responsibilities; and/or
- (iv) The registration does not correspond with a geographical name for any subdivision of the Greater area of Paris (e.g. neighborhoods, boroughs, streets...), a local landmark or other locally-relevant and iconic name over which the Public Authorities referred to in (i) are the relevant authority under local law, including clear variations and abbreviations thereof.

b. Improper Denial of PALP Allocation

- (i) A complaint under this section shall be required to show reasonable evidence that the Registry Operator failed to allocate a .paris domain name that was applied for in compliance with the PALP Eligibility and/or Name Selection Requirements.
- (ii) In addition, to pursue the remedies set forth in Section 4b (ii) and (iii) below, the complainant **MUST** notify the Registry Operator within the ten (10) calendar days following the Registry’s decision to deny allocation of the domain name of its intention to submit a complaint under this PADDRP. Such notice must be in writing.



c. PALP Effective Dates

Any complaint brought under this PADRP shall be brought no later than forty-five (45) calendar days after end of the PALP Period.

3. Harmless Error Defence

A Respondent may produce evidence to show that, although the PALP allocation was granted based on submission of the wrong documents, or documents containing an error, the true and correct evidence existed at the time the PALP allocation was applied for and, thus, the allocation would have been granted.

4. Remedies

The remedies available to a complainant for a claim brought under this PADRP shall be limited to:

a. Improper PALP Allocation

If a complaint is filed under Section 2(a) above of this PADRP, any ongoing contention resolution process will be suspended until the dispute is resolved. If the Registry Operator finds that the domain name was improperly allocated during the PALP Period, the following remedies will apply:

- (i) if the complainant had applied for the disputed domain name during the PALP Period and the complainant's application fulfills all the PALP Eligibility and Name Selection Requirements, the disputed domain name will be registered in favor of the complainant, provided that the complainant is the only existing PALP eligible application. If there is more than one eligible PALP application for that domain name, the contention resolution process will continue for the remaining PALP eligible applications, including that of the complainant.
- (ii) if the complainant had applied for the disputed domain name with basis on a lower priority right (e.g. under the Sunrise Period or a Limited Registration Period) and the complainant's application had been rejected for being of



lower priority in hierarchy than that improperly allocated, the disputed domain name will be allocated following the hierarchy criteria of the Registry Operator's Launch program.

- (iii) if no other eligible applications had been submitted for the disputed domain name during PALP, the Sunrise or other lower-priority categories of the Registry Operator's Launch Phase, the disputed allocation will be cancelled and it will be returned to the pool of names generally available for registration in the TLD.

b. Improper Denial of PALP Allocation

If a complaint is filed under Section 2(b) above of this PADRP, any ongoing contention resolution process will be suspended until the dispute is resolved. If the Registry Operator finds that the application was improperly denied during the PALP Period, the following remedies will apply:

- (i) If the disputed domain name has not been allocated yet:
 - 1. it will be registered in favor of the complainant, provided that the complainant is the only existing PALP eligible application; or
 - 2. if there is more than one eligible PALP application for that domain name, the contention resolution process will begin or continue for the remaining PALP eligible applications, including that of the complainant.
- (ii) If the disputed domain name has already been allocated in favor of a third party that fulfilled the PALP Eligibility and Name Selection Requirements, the domain name will go on contention, **provided that the complainant had notified the Registry Operator in due time of its intention to submit a challenge, in accordance with Section 2(b)(ii) of this PADRP.**
- (iii) If the disputed domain name has already been allocated in favor of a third party with an inferior right than that of the claimant, the domain name will be registered in favor of the complainant **provided that the complainant had**



notified the Registry Operator in due time of its intention to submit a challenge, in accordance with Section 2(b)(ii) of this PADRP.

5. Procedure

- a. **Complaint.** To challenge a registration allocated or rejected under the PALP, the applicant must:
 - (i) Submit to the Registry Operator a written challenge proving that the domain name allocation or denial of allocation during the PALP Period was improper under one or more of the criteria set forth in Section 2 of this PADRP, along with supporting evidence. Challenges must be sent via email to []; and
 - (ii) Pay a Procedure Fee of 100 Euros to Registry Operator.
- b. **Statement of Defense.** The applicant or registrant of a disputed domain name in the TLD shall be promptly notified by the Registry Operator of the commencement of a dispute under this PADRP, and may contest the allegations of the complaint or show other cause why the remedy requested in the complaint should not be granted in accordance with this PADRP. In all cases, the burden of proof shall be on the complainant, and default or other failure of the applicant or holder of the disputed domain name shall not constitute an admission to any allegation of the complaint.
- c. **Decisions.** Registry Operator will assess the challenge, its claims and supporting documentation. Registry Operator may ask for further information from the applicant and/or the domain Name holder in order to make an informed decision. Within ten (10) calendar days after gathering all the required information, Registry Operator will make a decision on whether the challenge should prevail and will notify the interested parties via email.
- d. If a Decision requires a change to the status of a registered domain name, the Registry Operator will implement it within the following ten (10) business days after communication of the decision to all the parties involved.



- e. Parties to a dispute under this PALP shall warrant that all factual allegations made in the course thereof are true and correct to the best of their knowledge, shall remain subject to all representations and warranties made in the course of registration of a disputed domain name.

6. Maintaining the Status Quo

During the course of a proceeding under this PADRP:

- a. The registered domain name shall be locked against transfers between registrants and/or registrars and against deletion by registrants.
- b. In the case of a claim under Section 2(b) of this PADRP, the Registry Operator will prevent other parties from registering the unregistered domain name at issue until a decision is reached, provided that the complainant had notified the Registry Operator in due time of its intention to submit a challenge, in accordance with Section 2(b)ii of this PADRP.

The contact details of the applicant or holder of the disputed domain name will be as shown in the registrar's publicly available Whois database record for the relevant registrant.

7. Indemnification

The parties of a proceeding under this PADRP shall indemnify, defend and hold harmless the registrar and the Registry Operator and their respective employees, contractors, agents and service providers from any claim arising from the conduct or result of a proceeding under this PADRP. Neither the registrar or the Registry Operator and their respective agents (e.g. Afnic/CORE), employees, contractors and service providers shall be liable to a party for any act or omission in connection with any proceeding under this PADRP. The complainant shall be directly and solely liable to the registrant in the event the complaint is granted in circumstances where the registrant is lawfully entitled to registration and use of the registered domain name(s) in the TLD.



8. Relation to Other Dispute Resolution Policies

This PADRP is in addition to and complementary with the Uniform Domain Name Dispute Resolution Policy (“**UDRP**”), the Uniform Rapid Suspension System (“**URS**”) and any other mandatory dispute policies adopted by ICANN and/or the Registry Operator.

9. Effect of Other Proceedings

The administrative proceeding under the PADRP shall not prevent either party from submitting a dispute concerning the disputed domain name in the TLD to concurrent administrative proceedings or to a court of competent jurisdiction for independent resolution during a pending PADRP proceeding or after such proceeding is concluded.