

.eu pricing and registration information for Prior Rights holders (other than Public Bodies and Registered Trademark holders)

Public bodies and registered trademark holders are already entitled to apply during Sunrise I or II since December 7th 2005. If you qualify, please consult the appropriate information leaflet for that class of rights holder, this document refers only to other Prior Rights.

General Entitlement

During the second Sunrise phase (Feb 7th 2006 to April 6th 2006) any person resident in the EU or any organization headquartered in the EU may apply for a .eu domain name where they have a Prior Right that is protected under the laws of an EU member state. This affords such Prior Rights holders an early chance to protect their marks before open and unrestricted registration begins on 7th April 2006. Applications may be queued with accredited registrars prior to and during this period. As the start of Sunrise I was especially busy (over 110,000 applications on Dec 7th alone) early application well in advance of Feb 7th is recommended.

Dot EU domain names can only be registered by:

- 1) Undertakings having their registered office, central administration or principal place of business within the European Community; or
- 2) Organizations established within the European Community without prejudice to the application of national law; or
- 3) Natural persons resident within the European Community.

What Prior Rights can be asserted by Irish Companies ?

Any name or mark that is protected as a right under Irish law may be applied for during the Sunrise II period. However please note that having a registered company, registered business name, trading name or unregistered trademark does not in itself entitle you to a .eu domain name as the protection in Irish law for such names is not sufficient although it will help ... you must be able to satisfactorily prove that passing-off rights exist in the name (generally such rights are obtained by usage).

The domain name requested must be **exactly** the same as the right held except that spaces may be omitted or replaced by hyphens, and other non-alphanumeric characters may be omitted, hyphenated or rewritten (such as substituting the word "and" for an ampersand etc.). Hyphens in the name must be present in the domain also, but Plc, Ltd, Teo, Limited etc may be omitted. All other valid characters in the Prior Right must be used. For example, if your Prior Right is "ACME (Ireland) Limited" then you may only apply for acmeireland.eu and/or acme-ireland.eu. If your Prior Right is "ACME.IE" then you may only apply for acmeie.eu and/or acme-ie.eu.

What supporting documentation is required ?

Supporting documentation is not required at time of application, however it must be received by the registry processing agents within 40 days of the receipt of the application by EURid. The documentation must be as required by the .eu Sunrise Rules but will typically consist of :

- 1) The Official EURid cover page with barcode; and
- 2) A signed affidavit from a competent authority, legal practitioner or professional representative stating that the Prior Right meets the conditions under Irish Law for having protection against "**passing-off**". The affidavit must also state or include evidence that the signatory is a competent authority, legal practitioner or professional representative as defined under the .eu Sunrise rules; and

NOTE: This document is prepared for guidance only and is not guaranteed accurate or complete. For official information please visit the websites of EURid (<http://www.eurid.eu>) and the validation agents (<http://validation.pwc.be>)

- 3) Supporting documentation sufficient for the validation agent to establish, on the basis of a prima-facie review, that the Prior Right meets the conditions required by Irish law. It is up to the applicant or their advisor to determine the appropriate type and level of documentation to be submitted however such documentation must also clearly establish that the Prior Right is actually held by the applicant.

How is Supporting Documentation to be submitted ?

The application confirmation email will contain a link to download a cover page to accompany the documentation. This will contain the address to send the supporting documentation.

Documents should not be sent to Irish Domains.

Supporting documentation must fulfill the technical requirements of the Sunrise rules to ensure that they can be easily scanned by the processing agents. This includes being consecutively numbered, not being stapled, bound or folded, being printed on white A4 paper and including the correctly filled out and signed cover sheet provided by EURid.

Please note that the registrant (and/or their agent) is solely responsible for ensuring that correct and appropriate supporting documentation is received on time by the processing agents.

Pricing Information

The cost of submitting each .eu Sunrise II application by a prior rights holder is €129 + VAT. This fee includes all registry processing fees and also includes the registration of the domain for 1 year if successful.

This fee must accompany the application unless otherwise arranged. The application fee is not refundable once the application is received by EURid irrespective of whether or not the application succeeds, however if you fail to register your domain a credit will be applied allowing you to register another .eu name during open registration.

Please note also that there is no guarantee that any particular Sunrise application will be successful due to the possibility of competing applications, rejection by validation agents or dispute resolution procedures initiated by third parties.

Applications

Send payment and completed applications to: **Irish Domains Ltd, Waverley Office Park, Old Naas Road, Dublin 12, Ireland** or fax to **+353 1 4190639**. Please copy the form for multiple applications, if faxing attach credit-card details or a photocopy of the cheque.