

Coordination Center for TLD RU

Policy “On the procedures applicable to domain name disputes”

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**Schedule to the Terms and
Conditions of Domain Name
Registration in .RU and .PФ**

1. General provisions

- 1.1. This Policy “On the procedures applicable to domain name disputes” (hereinafter referred to as the “Policy”) regulates relations arising in the event of disputes related to violation of trademark (service mark) holder’s rights during registration and use of second-level domain names in domains .RU and .PФ by domain name Registrants (hereinafter referred to as the “Registrant”).
- 1.2. For the purposes of this Policy, a trademark (service mark) holder is a person (a legal entity or an individual entrepreneur) specified in the trademark (service mark) certificate (hereinafter referred to as the “Right Holder”). Other terms used in this Policy have definitions as per the Terms and Conditions of Domain Name Registration in .RU and .PФ (hereinafter referred to as the “Terms and Conditions”) and applicable laws of the Russian Federation.
- 1.3. This Policy does not apply to claims concerning information addressed via domain names in .RU and .PФ. Any disputes concerning information addressed via domain names in .RU and .PФ shall be resolved according to a procedure established by applicable laws of the Russian Federation.
- 1.4. Should a Registrar receive a third-party claim concerning a domain name, the Registrar may not take an independent decision with regard to satisfying such a claim.
- 1.5. In the event that the dispute parties resolve a domain name dispute without assistance, the right to administer the said domain name shall be transferred according to the Terms and Conditions.
- 1.6. In the event of a dispute concerning a domain name, the Registrar shall impose the following

restrictions on activity involving the domain name in question, and perform the following actions:

- 1.6.1. Pre-trial restrictions on activity involving the domain name upon the Right Holder's petition before the Right Holder files a claim;
- 1.6.2. Restrictions on activity involving a domain name associated with a legal dispute after court proceedings concerning the domain name have been initiated:
 - (1) fixed-term restrictions on activity involving the domain name that are imposed by the Registrar in the absence of court ruling on interim relief;
 - (2) restrictions on activity involving domain names imposed by the Registrar on the grounds of a court ruling on interim relief.
- 1.6.3. Action following enforcement of a court ruling on the merits of the domain name dispute, including with regard to exercising the prerogative right of domain name registration.
- 1.7. The Registrar responsible for supporting the information about the domain name shall enforce the restrictions and perform the actions envisaged in Clause 1.6 hereof.
- 1.8. The Right Holder or the person who requested that the Registrar impose the restrictions and/or perform the actions provided for by Clause 1.6 hereof confirms, by the fact of his request, his acceptance of the procedure and timeframes set by this Policy for enforcing said restrictions and performing said actions.
- 1.9. The Registrar may lift the restrictions imposed under Section 2 and Section 3 Clause 3.2 hereof before their term expires, upon authorization by the Coordinator. The authorization procedure is described in the Accreditation Agreement between the Registrar and the Coordinator.

2. Pre-trial restrictions on activity involving domain names upon the Right Holder's petition before the Right Holder files a claim

§ 2.1. General provisions on pre-trial restrictions on activity involving domain names upon the Right Holder's petition before the Right Holder files a claim

2.1.1. The purpose of pre-trial restrictions on activity involving domain names imposed at the Right Holder's petition before he files a legal claim (hereinafter the "pre-trial restrictions") is to secure the Right Holder's capability to protect his exclusive rights by filing a legal action against the Registrant. The pre-trial restrictions constitute a temporary ban, imposed by the Registrar, on domain name registration cancellation, transfer of administration rights to another person as well as on transfer of the duty to support the information on the domain name associated with the petition, defined in Clause 2.1.2 hereof, to another Registrar.

2.1.2. The Right Holder's petition requesting that pre-trial restrictions be imposed due to violation of his exclusive rights to the trademark (service mark) (hereinafter the "pre-trial restriction petition" or "petition") serves as grounds for imposing pre-trial restrictions. The format of the petition is an integral part of (an exhibit to) this Policy.

2.1.3. Pre-trial restrictions shall be imposed for fourteen (14) calendar days starting from the

Registrar's recording such restrictions in the registry as per Section 2 Clause 2.3 hereof.

2.1.4. In the event that there are several claims filed by two (2) or more persons with regard to one domain name, pre-trial restrictions shall be imposed irrespective of each other unless this is contrary to Russian law.

2.1.5. The provisions of Section 2 hereof apply to the Right Holders of the trademarks (service marks) registered in the Russian Federation according to the domestic procedure or protected in the Russian Federation according to the international procedure.

§ 2.2. Requirements for pre-trial restriction petitions

2.2.1. The Right Holder shall send the original hard copy of the pre-trial restriction petition with copies of supporting documents attached to the Registrar's address by mail or using another method that allows acknowledging the receipt of the petition by the Registrar, and then submit a scanned copy of the petition and attached documents to the Registrar via an online form available on the Coordinator's website (hereinafter the "online form").

2.2.2. The pre-trial restriction petition will be accepted by the Registrar for consideration only when the following conditions are met:

2.2.2.1. The petition was sent by the Right Holder;

2.2.2.2. The petition contains complete information that allows the petitioner (the Right Holder) to be identified, including:

- (1) the petitioner's name (last name, first name and patronymic for individual entrepreneurs and full name of the organization for legal entities);
- (2) registered and actual address for legal entities, and permanent registration and/or actual address for individual entrepreneurs;
- (3) contact information: e-mail addresses for communicating with the petitioner;

2.2.2.3. The petition must contain information about the Right Holder's trademark (service mark), including its state registration number, and a reference to a specific domain name whose registration, according to the petitioner, violates his/her exclusive rights to this trademark (service mark);

2.2.2.4. The petition must state that the petitioner guarantees compensating any damages (including expenses associated with processing the pre-trial restriction petition, imposing restrictions on activity involving the domain name as well as the cost of legal support and representation in court) the Registrar may sustain if it is later established that the petition contains inaccurate data on violation of the petitioner's exclusive rights;

2.2.2.5. It is mandatory that the petition must be accompanied with the petitioner's legal entity or individual entrepreneur state registration certificate, his trademark (service mark) certificate, a postal receipt acknowledging that the original hard copy of the petition was mailed to the Registrar or another proof of the Registrar's receipt of the original petition. All the aforementioned documents shall be provided as scanned copies attached to the online form.

§ 2.3. Processing pre-trial restriction petitions

2.3.1. The processing time for a pre-trial restriction petition is two (2) business days from its submission to the Registrar via the online form.

2.3.2. If the petition and supporting documents are in compliance with the requirements set in Clause 2.2 hereof, the Registrar shall, within two (2) business days of receiving the petition, do as follows:

- (1) issue a decision on imposing the restrictions specified in Clause 2.1.1 hereof and record the information about such restrictions in the registry;
- (2) notify the Right Holder and the Registrant of the affected domain name about the imposed pre-trial restrictions. Notices on pre-trial restrictions shall be sent to the e-mail addresses specified in the registry as the Registrant's contact e-mail addresses and the e-mail addresses specified in the petition as the Right Holder's contact e-mail addresses. Along with the notice on pre-trial restrictions imposed on the domain name registered in the Registrant's name, the Registrar shall provide the Registrant with an electronic copy of the Right Holder's petition and supporting documents.

2.3.3. If the petition and/or supporting documents attached to it are not in compliance with the requirements set out in Clause 2.2. hereof, the Registrar shall, within two (2) business days of receiving the petition, withhold imposing pre-trial restrictions and provide the petitioner with a substantiated response. The response shall be sent to the e-mail address stated in the petition.

2.3.4. Pre-trial restrictions automatically expire at the end of the term specified in Clause 2.1.3 hereof, without any additional notices.

2.3.5. In the event that, during the validity period of the pre-trial restrictions as per Clause 2.1.3 hereof, the Right Holder fails to file a legal claim on the protection of the exclusive rights concerned, a repeated pre-trial restriction petition regarding the same domain name and on the same grounds will not be accepted or considered.

2.3.6. If, during the validity period of the pre-trial restrictions, the Right Holder files a legal claim on protection of the exclusive rights concerned and provides the Registrar with proof of the fact that court proceedings have been initiated in the case preceded by the Registrar imposing pre-trial restrictions with regard to the domain name in question, the said domain name shall be subject to the procedures established in Section 3 Clause 3.2 hereof.

2.3.7. If, during the validity period of the pre-trial restrictions, the Right Holder files a legal claim on the protection of the exclusive rights concerned and the court issues a ruling on interim relief regarding the domain name and the Right Holder provides the Registrar with this court ruling, the domain name shall be subject to the procedures established in Section 3 Clause 3.3 hereof.

3. Restrictions on activity involving a domain name due to litigation after initiating court proceedings in the case concerning the domain name

§ 3.1. General provisions regarding restrictions on activity involving a domain name due to litigation after initiating court proceedings in the case concerning the domain name

3.1.1. The following restrictions may be imposed after court proceedings in the case concerning the domain name have been initiated:

- (1) fixed-term restrictions on activity involving domain names that are imposed by the

Registrar in the absence of a court ruling on interim relief (Section 3 Clause 3.2 hereof);

- (2) Restrictions on activity involving domain names imposed by the Registrar on the grounds of a court ruling on interim relief (Section 3 Clause 3.3. hereof).

3.1.2. During the validity period of the restrictions imposed under Section 3 hereof, the Registrant has the right to transfer the administration right with regard to the domain name to the Right Holder who filed the lawsuit provided that the parties resolved the domain name dispute without assistance and this does not contradict the effective court ruling. The procedure of transferring the administration rights with regard to the domain name is determined by Clause 1.5 hereof.

3.1.3. The Registrar shall ensure that the Registrant observes the restrictions imposed under Section 3 hereof, provided that the Registrar received respective court rulings.

§ 3.2. Fixed-term restrictions on activity involving domain names imposed by the Registrar in the absence of a court ruling on interim relief

3.2.1. Fixed-term restrictions on activity involving domain names are introduced by the Registrar in the absence of a court ruling on interim relief (hereinafter the “fixed-term restrictions”) and constitute a temporary ban on registration cancellation of the domain name in question, transfer of the administration rights to another person as well as transfer of the support of the information about the domain name to another Registrar.

3.2.2. The period of validity for the fixed-term restrictions shall not exceed ninety (90) calendar days since their imposition by the Registrar.

3.2.3. The Registrar shall, within two (2) business days of receiving the proof of the court proceedings having been initiated in the domain name case:

- (1) impose fixed-term restrictions and record them in the registry;
- (2) notify the Coordinator about imposing such restrictions as well as provide the Coordinator with copies of the documents serving as proof of court proceedings having been initiated in the domain name case and serving as grounds for imposing said restrictions;
- (3) notify the domain name Registrant about imposing such restrictions. The Registrar shall send the notice to the Registrant on the imposed fixed-term restrictions to the e-mail addresses stated in the registry as the Registrant’s contact e-mails.

3.2.4. Upon expiration of the term stated in Clause 3.2.2 hereof, the Registrar shall lift the said restrictions and record this action in the registry. The Registrar shall notify the Coordinator about lifting the fixed-term restrictions within two (2) business days of the restrictions being lifted.

3.2.5. In the event that, before expiration of the fixed-term restrictions, the court issues a court order on interim relief due to which the Registrar imposed said restrictions on the domain name, the procedures established by Section 3 Clause 3.3 hereof shall apply.

3.2.6. In the event that, before expiration of the fixed-term restrictions, the court closes the proceedings in the case, dismisses the claim or denies the Right Holder’s claim, the Registrar

shall lift the imposed restrictions, given that he has been provided with the respective court ruling to this effect. The Registrar shall, within two (2) business days of receiving the respective court ruling, record the lifting of the fixed-term restrictions in the registry, notify the Coordinator about lifting the restrictions and send him a copy of the court ruling.

3.2.7. In the event that, before expiration of the fixed-term restrictions, the court sustains the Right Holder's claim due to which the Registrar imposed said restrictions on the domain name, the procedures established in Section 4 hereof shall apply.

§ 3.3. Restrictions on activity involving domain names imposed by the Registrar on the grounds of a court ruling on interim relief

3.3.1. Restrictions on activity involving domain names imposed by the Registrar on the grounds of a court ruling on interim relief (hereinafter the "interim relief") are restrictions imposed by the Registrar based on said court ruling or a writ of execution issued pursuant to the said court ruling. Issuance of such a court ruling and the writ of execution shall be governed by Russian law.

Immediately after receiving the court ruling on interim relief with regard to the domain name or the writ of execution, the Registrar shall impose the restrictions provided for by this court ruling or the writ of execution, and record the data about the restrictions in the registry.

3.3.2. After imposing the restrictions provided for by Clause 3.3.1 hereof, the Registrar shall, within two (2) business days of receiving the court ruling or the writ of execution, notify the following parties about the interim relief:

- (1) the Coordinator, while also providing him/her with a copy of the court ruling or the writ of execution serving as the grounds for imposing the restrictions;
- (2) the Registrant of the domain name on which the restrictions were imposed. The Registrar shall send the interim relief notice to the Registrant to the e-mail addresses stated in the registry as the Registrant's contact e-mails.

3.3.3. In the event that the restrictions stated in Clause 3.3.1 hereof are lifted under a statutory procedure established by Russian law, the Registrar shall immediately lift the restrictions and, within two (2) business days of receiving the court ruling on discharging the interim relief, notify the Coordinator about lifting the restrictions and provide the Coordinator with a copy of the court ruling that serves as grounds for lifting the restrictions.

3.3.4. In the absence of a court ruling discharging the interim relief, the restrictions specified in Clause 3.3.1 hereof will continue to be in force. If the Registrant does not renew the domain name registration, the Registrar shall stop domain delegation as per Section 5 of the Terms and Conditions.

4. Action following enforcement of a court ruling on the merits of the domain name dispute

§ 4.1. General provisions on action following enforcement of a court ruling on the merits of the domain name dispute

4.1.1. Once the court ruling on the merits of the domain name dispute has taken effect, the

Registrar shall pursue the following actions:

- (1) action as established by applicable law of the Russian Federation;
- (2) action on exercising the prerogative right of domain name registration (Section 4 Clause 4.2 hereof).

4.1.2. Unless it is contrary to the court ruling in effect, all the previously imposed restrictions on activity involving the domain name in question shall be valid until the domain name registration is cancelled or the domain name is registered in the name of the Right Holder benefitting from the court ruling.

4.1.3. If the court issues a court ruling on closing the proceedings in the case, dismissing the legal claim or denying the Right Holder's claim, the restrictions imposed by the Registrar shall be lifted as per clauses 3.2.6 and 3.3.3 hereof.

§ 4.2. Action on exercising the prerogative right of domain name registration following enforcement of a court ruling on the merits of the dispute

4.2.1. The Registrar shall take action on exercising the prerogative right of domain name registration following enforcement of a court ruling on the merits of the domain name dispute based on the court ruling in effect, provided that the operative part of the court ruling contains the following:

- (1) prohibition against the Registrant's use of the identifier the right to which belongs to the Right Holder, in a domain name, and/or
- (2) prohibition against the Registrant's use of the respective domain name, and/or
- (3) ruling that administration of the domain by the Registrant violates the Right Holder's rights.

The Coordinator shall establish the procedure according to which the Registrar shall exercise the prerogative right of domain name registration.

4.2.2. The Right Holder benefitting from the court ruling specified in Clause 4.2.1 hereof, shall, during the thirty (30) calendar days of this court ruling taking effect, have the prerogative right to register the domain name affected by the court ruling in his name.

4.2.3. To exercise the prerogative right of domain name registration, the Right Holder shall, within thirty (30) calendar days of the court ruling taking effect:

- (1) provide the Registrar with the aforementioned court ruling;
- (2) enter into an agreement with the Registrar regarding support of the aforementioned domain name;
- (3) pay for domain name registration;
- (4) confirm his consent to gaining the right of administration as per the procedures established by the Registrar.

4.2.4. Within five (5) business days of the Right Holder's request to the Registrar with regard to exercising his prerogative right of domain name registration, subject to the requirements in Clause 4.2.3 hereof, the Registrar shall notify the Coordinator of the Right Holder's request and the Registrar's willingness to act upon exercising the prerogative right of domain name registration, and send the Coordinator a copy of the court ruling provided by the Right Holder.

4.2.5. The Registrar shall inform the Coordinator about the domain name registration in the

Right Holder's name within two (2) business days of the domain name registration.

4.2.6. If the Right Holder fails to exercise his prerogative right of domain name registration during the period specified in Clause 4.2.2 hereof or sends the Registrar a waiver of this prerogative right, the Registrar shall, within two (2) business days of the expiration of the period of thirty (30) calendar days since the court ruling specified in Clause 4.2.1 hereof took effect, given that the Registrar received information about the court ruling taking effect, lift the earlier imposed restrictions and cancel the domain name registration, unless this is contrary to another court ruling in effect. Registration of a domain name during its redemption grace period may be cancelled upon expiration of the redemption grace period as per Clause 8.1 paragraph 3 of the Terms and Conditions.

4.2.7. Within two (2) business days of lifting the restrictions on the domain name under Clause 4.2.6 hereof, the Registrar shall notify the Coordinator that the Right Holder has not declared his intent to exercise his prerogative right of domain name registration, and provide the Coordinator with a copy of the respective court ruling.

4.2.8. The Registrar and the Coordinator shall not be held liable to the Registrant for any action aimed at exercising the prerogative right of domain name registration after the court ruling on the merits of the domain name dispute has taken effect.

Exhibit:

1. form of petition for legal entities;
2. form of petition for individual entrepreneurs.

Petition by right holder (a legal entity) on imposing pre-trial restrictions
(for submission by a trademark (service mark) right holder to a domain registrar)

*On company letterhead
company reference
number and date*

Registrar's details

(petitioner's full name)

an organization represented by _____,
(title and full name)

acting under _____, being
(Charter or power of attorney No _____)

the right holder of the following trademark/service mark:

(accurate verbal identifier of trademark as per trademark right registration certificate; state trademark registration number)

requests that the domain name administration right for _____ not
(domain name without www)

be transferred to another person, support of the said domain name not be transferred to another registrar or registration of the said domain name not be cancelled based on a letter from the registrant of _____ during the term

(domain name without www)

specified in Clause 2.1.3 of the Policy "On the procedures applicable to domain name disputes" due to the fact that administration of the domain name by its registrant is in violation of the organization's exclusive right to the trademark registered by the organization.

(petitioner's full name)

shall be responsible for any inaccurate data and information stated in this petition and guarantees full compensation of any damages (including costs associated with processing this pre-trial restriction petition, imposing restrictions on activity involving the respective domain name as well as the cost of legal support and representation in court) sustained by the registrar as a result of complaints and legal claims by the current registrant of the domain name stated in this petition and/or any third parties due to processing and executing this petition by the registrar.

(title, full name)
(stamp)

/_____
(signature)

Petition by right holder (an individual entrepreneur) on imposing pre-trial restrictions
(for submission by a trademark (service mark) right holder to a domain registrar)

reference number
and date

Registrar's details

(petitioner's full name, date of birth, passport series and number, issuing authority, permanent registration address, taxpayer identification number (INN), primary state registration number (OGRN))

an individual entrepreneur being the right holder of the following trademark:

(verbal identifier of trademark as per trademark right registration certificate; state trademark registration number)

requests that the administration right for domain name _____
(domain name without www)

not be transferred to another person, support of the said domain name not be transferred to another registrar or registration of the said domain name not be cancelled based on a notice from the registrant of domain name _____
(domain name without www)

during the term specified in Clause 2.1.3 of the Policy "On the procedures applicable to domain name disputes" due to the fact that administration of the domain name by its registrant is in violation of my exclusive right to the trademark registered in my name.

Individual entrepreneur _____
(petitioner's full name, date of birth, passport series and number, issuing authority, permanent registration address, taxpayer identification number (INN), primary state registration number (OGRN))

shall be responsible for any inaccurate data and information stated in this petition and guarantees full compensation of any damages (including any costs associated with processing this pre-trial restriction petition, imposing restrictions on activity involving the respective domain name as well as the cost of legal support and representation in court) sustained by the registrar as a result of the complaints and legal claims by the current registrant of the domain name stated in this petition and/or any third parties due to the execution of this petition by the registrar.

(full name)

(stamp)

/ _____
(signature)