



UAE Receives Applications for .abudhabi & ابووظبي Domain Name

.Abu Dhabi

ABU DHABI - Following the launch of the Abu Dhabi Internet domain suffixes (.abudhabi) & (ابوظبي), all companies that wish to protect their online identity in the UAE may register their corporates and trademarks under the new TLDs of .abudhabi & ابووظبي.

The initial .abudhabi & ابووظبي sunrise period started on May 21, 2018 and will end on July 20, 2018. Consequently, all domain names are available for registration as of July 21, 2018. In order to register .abudhabi or ابووظبي domain name, the applicant or registrant has to meet the following requirements:

1. The applicant must be an entity registered with the Chamber of Commerce that has a valid address in Abu Dhabi associated with that registration, and conforms to the laws and policies of the United Arab Emirates.
2. The applicant must be a citizen and/or permanent resident of the United Arab Emirates with a valid address in Abu Dhabi.
3. As for associated entities, the applicant must:
 - Manufacture or sell a product to residents of Abu Dhabi;
 - Provide a service to entities or individuals residing in Abu Dhabi;
 - Organize or sponsor events in Abu Dhabi;
 - Facilitate activities in Abu Dhabi; or
 - Teach or provide training to residents of Abu Dhabi.

For more information, please contact us at info@tag-domains.com or our UAE Office at uae@agip.com

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ICANN Files Legal Action in Germany to Preserve WHOIS Data



LOS ANGELES - The Internet Corporation for Assigned Names and Numbers (ICANN) announced in a press release that it has filed injunction proceedings against EPAG, a Germany-based, ICANN-accredited registrar that is part of the Tucows Group. ICANN has taken this step to ask the court for assistance in interpreting the European Union's General Data Protection Regulation (GDPR) in order to protect the data collected in WHOIS. ICANN's "one-sided filing" in Bonn, Germany, seeks a court ruling to ensure the continued collection of all WHOIS data, so that such data remains available to parties demonstrating legitimate purpose to access it, consistent with the GDPR.

EPAG recently informed ICANN that when it sells new domain name registrations it would no longer collect administrative and technical contact information,

as it believes collection of that data would violate the GDPR rules. ICANN requires that information to be collected, via its contract with EPAG which authorizes it to sell generic top-level domain name registrations. ICANN recently adopted a new Temporary Specification regarding how WHOIS data should be collected and which parts may be published, which ICANN believes is consistent with the GDPR.

"We are filing an action in Germany to protect the collection of WHOIS data and to seek further clarification that ICANN may continue to require its collection. It is ICANN's public interest role to coordinate a decentralized global WHOIS for the generic top-level domain system. ICANN contractually requires the collection of data by over 2,500 registrars and registries who help ICANN maintain that global information resource," said John Jeffrey, ICANN's General Counsel and Secretary. "We appreciate that EPAG shared their plans with us when they did, so that we could move quickly to ask the German court for clarity on this important issue. We also appreciate that EPAG has agreed that it will not permanently delete WHOIS data collected, except as consistent

with ICANN policy.”

If EPAG’s actions stand, those with legitimate purposes, including security-related purposes, law enforcement, intellectual property rights holders, and other legitimate users of that information may no longer be able to access full WHOIS records.

ICANN does not seek to require its contracted parties to violate the law. EPAG’s position has identified a disagreement with ICANN and others as to how the GDPR should be interpreted. This lawsuit seeks to clarify that difference in interpretation. In its May 17, 2018 adoption of the Temporary Specification for gTLD Registration Data, the ICANN Board noted that the global public interest is served by the implementation of a unified policy governing aspects of gTLD registration data when the GDPR goes into effect.

“The ICANN org is committed to enforcing our contracts to the fullest extent the law allows and preserving the integrity of the

WHOIS system,” said ICANN President and CEO Göran Marby.

The Temporary Specification still requires gTLD registry operators and registrars to collect all registration data. If you submit a WHOIS query for a registration subject to the GDPR, you will only receive “thin” data in return, which includes technical data sufficient to identify the sponsoring registrar, status of the registration, and creation and expiration dates for each registration, but not personal data. Additionally, you will have access to an anonymized email address or a web form to facilitate email communication with the relevant contact for that registration. If you are a third party with legitimate interests in gaining access to the non-public data held by the gTLD registry operator or registrar, there are still ways for you to access that data. You can look up the sponsoring registrar and contact them, and they are obligated to respond to you in a reasonable time.

Source: ICANN

European Commission Issues Important Notice on the Impact of Brexit on .EU domain names

BRUSSELS - The European Commission's (EC) Directorate-General for Communications Networks, Content and Technology released on 28 March 2018, an important notice to stakeholders on the impact of Brexit on .EU domain names. The EC's Notice highlighted that the EU regulatory framework for the .EU country code Top Level Domain (ccTLD) will cease to apply to the UK as from the UK's withdrawal date from the European Union, which is set for March 30, 2019, unless a ratified withdrawal agreement establishes a later date. As a result, UK individuals or entities that do not fulfil the eligibility requirement for registering .EU domain names as of the withdrawal date will no longer be able to register new or renew existing .EU domain names, and may also have their existing .EU domain name registrations revoked by EURid.

EURid is the .EU Registry that has managed the .EU ccTLD since its appointment by the European Commission in 2003, in accordance with the EU regulatory framework. The EU regulatory framework for .EU domain names consists mainly of the following: (i) Regulation (EC) No. 733/2002 of the European Parliament and of the Council of April 22, 2002 on the implementation of the .EU Top Level Domain, (ii) Commission Regulation (EC) No. 874/2004 of April 28, 2004 laying down public policy rules concerning the implementation and functions of the .EU Top Level Domain and the principles governing registration and (iii) Commission implementing Decision of April 11, 2014 on the designation of the .EU Top Level Domain Registry.

The eligibility requirements for registering .EU domain names are set out in article 4(2)(b) of Regulation (EC) No. 733/2002 of the European Parliament and of the Council of 22 April 2002 on the implementation of the .EU Top Level Domain. Pursuant to this provision, the following persons are eligible to register .EU domain names: (i) undertakings having their registered office, central administration or principal place of business within the EU, or (ii) organizations established within the EU without prejudice to the application of national law, or (iii) natural persons residing within the EU. It should be noted that EURid's Domain Name Registration Policy extends eligibility requirements for .EU domain names to residents of, or entities established in, Norway, Iceland and Liechtenstein.

There are four major consequences of Brexit on .EU domain names, as highlighted in the EC's Notice:

1. Registration and renewal of .EU domain names. The EU's Notice expressly provides that "as of the withdrawal date, undertakings and organizations that are established in the United Kingdom but not in the EU and natural

persons who reside in the United Kingdom will no longer be eligible to register .EU domain names or, if they are .EU registrants, to renew .EU domain names registered before the withdrawal date”. The EU’s Notice also stressed that .EU registrars will not be entitled to process any registration or renewal requests of .EU domain names by those undertakings, organizations and persons.

2. Revocation of registered .EU domain names. If UK individuals or entities holding a .EU domain name no longer fulfil the eligibility requirements for registering .EU domain names in accordance with article 4(2)(b) of Regulation (EC) No. 733/2002, EURid will be entitled to revoke such domain names “on its own initiative and without submitting the dispute to any extrajudicial settlement of conflicts” in accordance with article 20(b) of the Commission Regulation (EC) No. 874/2004. This is a major consequence as there are over 300,000 .EU domain names owned by registrants based in the United Kingdom.
3. Rights that can be invoked in .EU domain name dispute proceedings. .EU domain names may be revoked by extra-judicial or judicial procedures, in accordance with article 21 of Commission Regulation (EC) No. 874/2004 of April 28, 2004. A party may obtain the transfer or cancellation of a .EU domain name pursuant to the .EU Alternative Dispute Resolution Rules (the “ADR Rules”). To obtain the transfer or cancellation of a .EU domain name, a complainant must demonstrate that: (a) the disputed domain name is identical or confusingly similar to a name in respect of which a right is recognized or established by the national law of a Member State and/or EU law and; either (b) the disputed domain name has been registered by the respondent without rights or legitimate interest in the name; or (c) the disputed domain name has been registered or is being used in bad faith. However, as of the withdrawal date, a party seeking to revoke a .EU domain name in accordance with article 21 of the Commission Regulation (EC) No. 874/2004 of April 28, 2004, will no longer be able to rely on rights recognized or established by the United Kingdom but not by EU Member States or by the European Union. However, the EC Notice stresses that rights arising from international treaties, such as the Paris Convention or the Agreement on Trade-related Aspects of Intellectual Property Rights (TRIPS), will not be affected.
4. Applicable law in agreements between accredited .EU registrars and .EU domain name registrants. Article 5 of Commission Regulation (EC) No 874/2004 provides that agreements between the Registrar and a .EU domain name registrant cannot designate, as applicable law, a law other than the law of an EU Member State, nor can they designate a dispute-resolution

body, unless selected by EURid, the .EU Registry, pursuant to article 23 of that Regulation, nor an arbitration court or a court located outside the EU. The EC's Notice provides that, as of the withdrawal date, should any such agreement designate as applicable law of the United Kingdom, the Registrar and concerned domain name registrant are advised to amend the relevant agreement in accordance with the law of a Member State.

The EC's notice, however, highlighted that the aforementioned consequences are "subject to any transitional arrangement that may be contained in a possible withdrawal agreement". Negotiations between the UK and the EU with a view of reaching a withdrawal agreement are currently ongoing.

The .EU ccTLD is the 8th largest ccTLD, with approximately 3.8 million domain name registrations (as of December 2017), as reported by Verisign's Domain Name Industry Brief. Almost 10% (over 300,000) of .EU domain name registrations are held by UK individuals or entities.

.EU is not the only extension that imposes residency requirement within the EU as part of the eligibility requirements for domain name registration. There are a handful of other ccTLDs that do so, including .FR (France), .IT (Italy) and .HU (Hungary). Thus, given the current climate of uncertainty, UK-based individuals and/or entities are well advised to identify those domain name registrations in their portfolio which require EU residency and transfer them to a subsidiary or agent within the European Union in order to minimize the risk of having their domain name registrations revoked.

Source: Hogan Lovells

ICANN Releases Temporary WHOIS Specification Plan for GDPR Compliance

LOS ANGELES - ICANN has released temporary specifications for gTLD registration data in order to establish temporary requirements needed for the organization and gTLD registry operators to continue to comply with existing ICANN contractual requirements and community-developed policies. Trevor Little reporting in World Trademark Review: “Subject to further revision prior to a board vote, the model proposes the establishment of a mechanism to allow contact with domain name registrants - while cloaking their identity. The Article 29 Data Protection Working Party (WP29) responded to ICANN’s initial request for feedback on a proposed interim model for ensuring that the treatment of WHOIS data is compliant with GDPR. While welcoming the decision of ICANN to propose an interim model which involves layered access, the WP29 raised a number of concerns..”

Source: CircleID

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