

Domain Name Law and Practice

7 January 2005	India	Part II: The ccTLD (“.in”) Registration Conditions and Procedures (1) The Registry
Type of update: Change to registration procedures		
<p>The “.in” country code top level domain has undergone a major change as of 1 January 2005. The National Centre for Software Technology, a scientific research and development institution under the Ministry of Information Technology, was the authority entrusted with the registration and management of “.in” ccTLDs.</p> <p>The government has decided to revamp the administration as well as relax the registration procedure so as to facilitate the registration of “.in” ccTLDs as well as to exploit its vast potential.</p> <p>Furthermore an “.in” registry has been created by NIXI (National Internet Exchange of India). Under NIXI, the INRegistry functions as an autonomous body with the primary responsibility for maintaining the “.in” ccTLDs and ensuring its operational stability, reliability, and security. It is in charge of implementing the various elements of the new policy set out by the Indian government and the Ministry of Communication and Information Technology. INRegistry has taken over the responsibility of the registry from the previous authority NCST and its Centre of Development of Advanced Computing (C-DAC).</p> <p>There has been a major decentralization of Registrars. The accredited Registrars for the ccTLDs “.in”, “.co.in”, “.net.in”, “.gen.in”, “.firm.in”, “.ind.in”, and “.org.in” are DirectI, GoodLuckDomains, Net4IndiaLimited, dba Net4Domains, and OnlineNIC.</p> <p>Certain names under these ccTLDs have been reserved for the use of the government, constitutional bodies, and the registry. These are the names related to ICANN, IANA, Internet bodies and TLDs.</p> <p>The following zones are reserved for use by the qualified organizations in India:</p> <ul style="list-style-type: none"> • “.ac.in” (Academic) • “.res.in” (Indian Research Institute) • “.gov.in” (Indian government) • “.mil.in” (Indian military) <p>In order to protect the intellectual property rights of genuine trade mark holders, owners of registered Indian trade marks or service marks who wished to protect their marks were given the opportunity to apply for “.in” domain names before the general public between January 1 and January 21, 2005.</p> <p>This 21-day period was known as the ‘sunrise period’ in accordance with global trends adopted for TLDs like “.biz”. The priority for sunrise applications was further divided into 2 queues.</p> <p>Queue 1 was open only to trade mark or service mark holders who are Indian citizens or companies registered in India.</p>		

Queue 2 was open only to foreign entities that own Indian trade marks and service marks.

In order to have been considered, a sunrise application must have met all of the following criteria:

- The trade mark or service mark should be registered in India.
- The trade mark or service mark registration must be existing and the registration should have been issued in the applicants name prior to 31 December 2004.
- The domain name applied for must be identical to the textual or word elements of the trade mark or service mark that is registered (discounting any domain name extension element).
- The domain name applied for must be represented in ASCII characters only. Only letters, digits, and hyphens will be accepted in the domain name. No applications for domain names in internationalized script (including diacritical marks) are accepted.
- Spaces or punctuations that appear in trade mark registrations can either be represented in the domain name by a hyphen, or can be disregarded. Similarly, characters such as ampersands (&) in the trade mark can be disregarded, represented by a hyphen, or represented by the word 'and' (or the equivalent term in the language of the trade mark registration, subject to the above mentioned clause).
- The applicant must submit proof of its trade mark or service mark registration to the registry.

The Registry would examine the documentation, provided it supported the application for the sunrise registration as per the provisions provided. Where there were two or more applications for the same domain name, priority would be assigned in the following order:

- Applications in queue 1 have priority over applications in queue 2.
- The priority of applications in a queue will be assigned based on the applications' time stamp as recorded by the registry.
- For each unique domain name applied for, the registry will perform prima facie examinations on the basis of the first come first serve principle.
- If the first application satisfies all the sunrise criteria, the registry will award the domain to the priority applicant.
- If the priority applicant's trade mark does not satisfy all of the sunrise criteria, that application will be considered invalid.

The registry would then examine the trade mark of the next application in the queue for that domain name.

The process was repeated until:

- a valid application is found and an award is made, or
- the queue of applications for that domain name is exhausted.

If no valid application was received, then the domain name would be made available for open registration.

If the award status of an applied-for domain name has not been determined by the time open registration begins for the general public, the registry reserves the right to create that domain name in the registry using

generic place holder data. The domain name held by the registry could then be updated if an award is made, or deleted and thereby made available to open registration if no award is made.

On 16 February 2005, the Registries started accepting real time registration applications from any individual anywhere in the world for any “.in” domain name. The process for submitting these applications will be announced shortly.

A comprehensive “.in” Dispute Resolution policy (INDRP) is being formulated in line with the internationally accepted guidelines. This policy will be published shortly, and it will be in line with the relevant provisions of the Indian Information Technology Act of 2000.

Link to the sunrise rules:

[.in Sunrise Rules](#)