

# .madrid Public Administration Launch Program Dispute Resolution Policy (PADRP)

This Public Administrations Program Dispute Resolution Policy (the “**PADRP**”) established by the Comunidad de Madrid (the “**Registry Operator**”) is incorporated by reference into the .madrid Launch Policy and Registration Agreement. A PADRP complaint may be filed against a .madrid 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 .madrid 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 .madrid 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 .madrid 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/or legal seat in the Region of Madrid (Comunidad de Madrid). Here, “**Public Authorities**” means international, national, and regional public authorities, as well as local and municipal authorities under Spanish law (*Ley 7/1985 de Bases del*

*Régimen Local*) and Madrid's own legislation (*Ley 2/2003 de Régimen Local de la Comunidad de Madrid*), including but not limited to agencies, consortiums, commissions, and other administrative divisions of the Region of Madrid and/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 Region of Madrid (Comunidad de Madrid), like, e.g. districts, neighbourhoods, streets..., local landmarks, and other locally-relevant and iconic names over which the Public Authorities referred to in (i) above 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 .madrid 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 Operator's decision to deny allocation of the domain name of its intention to submit a complaint under this PADRP. Such notice must be sent via email to [ ]**.

**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 the 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, through a PADRP ad-hoc Standing Committee, 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, 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.