

SGNIC
Single Character '.sg' Domain Name (SCDN)
Rules for Allocation Exercise

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**SGNIC Single Character '.sg' Domain Name (SCDN)
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1. **DEFINITIONS**

- ".sg' SLD"** means a second-level domain name under the top-level domain of '.sg';
- "Accredited Registrar"** means a registrar currently accredited by SGNIC for the registration of .sg domain names and the handling of other administrative functions relating thereto, such as updating, transfer, deletion, renewal and reinstatement, and as identified in SGNIC's website at http://www.sgnic.sg/sub_partner_affiliates/registrar_partners.htm;
- "Allocation Exercise"** means the process described in the Rules for the acceptance and processing of SCDN Applications, and the allocation of SCDNs on 27 March 2009, such process commencing from 01 December 2008 and ending on 27 March 2009, during which SGNIC will accept and process qualifying applications for the registration of SCDNs in accordance with the Rules;
- "Applicant"** means an applicant for an SCDN during the current Allocation Exercise;
- "Application Deposit"** shall have the meaning set forth in Clause 4.4;
- "Application Period"** means the period commencing from 01 December 2008 and ending on 09 January 2009, during which SGNIC will accept applications for registration of SCDNs for the current Allocation Exercise;
- "Complainant"** shall have the meaning set forth in Clause 7.1;
- "Disputed SCDN"** shall have the meaning set forth in Clause 7.1;
- "GST" or "Goods and Services Tax"** means the goods and services tax payable in accordance with the Goods and Services Tax Act (Cap 117A, 2005 Rev Ed);
- "Objection Form"** shall have the meaning set forth in Clause 7.2;
- "Objection Review Panel"** shall have the meaning set forth in Clause 7.3;
- "Qualifying Trade Mark"** means, in relation to any SCDN Application, a trade mark which, as of the date of the SCDN Application, is

registered and subsisting on the Register of Trade Marks in Singapore for the letter of the English alphabet (ie, A-Z) in plain text form (whether in upper or lower case) for which the SCDN is sought to be registered, and such trade mark not being, without limitation, a mark containing or comprising any devices, words or numbers, or any combination thereof, and even if incorporating the letter of the SCDN;

"Registered Trade Mark Holder"

means the registered proprietor of a Qualifying Trade Mark registered with the Intellectual Property Office of Singapore and subsisting as of the date of the SCDN Application;

"Registration Policies, Procedures and Guidelines" or 'RPPG'"

means the latest version of the document entitled "Registration Policies, Procedures and Guidelines" published at SGNIC's website at <http://www.sgnic.sg/pdf/rppg.pdf>;

"Rules"

means this document, specifying the policies and rules applicable during the current Allocation Exercise, including eligibility requirements, allocation procedures, payment requirements, schedules and other matters, and also including the Annexes to this document;

"SCDN Application"

shall have the meaning set forth in Clause 3.1;

"Single Character Domain Name" or "SCDN"

means, for the purposes of the current Allocation Exercise, a domain name comprising only a single character comprised in the English alphabet, ie, "A"- "Z" (and for the avoidance of doubt, excluding punctuation marks and digits), to be registered in the '.sg' SLD, '.com.sg', '.net.sg', '.org.sg', '.edu.sg', '.gov.sg' or '.per.sg' domain name categories. SCDNs are non-case sensitive.

- 1.1 Words that are defined in the Registrant Agreement and Registration Policies, Procedures and Guidelines (RPPG) will have the same meaning if used in the Rules, unless otherwise indicated. All dates and times stated in this document shall refer respectively to dates and times in Singapore. In the event of any conflict between the RPPG or the Registrant Agreement and the Rules, the Rules shall prevail.
- 1.2 Words importing the singular include the plural and vice versa, words importing a gender include every gender and references to a person shall be construed as including references to an individual, firm, company, corporation, unincorporated body of persons or any state or any agency thereof;

- 1.3 Headings are for convenience of reference only and shall not affect the interpretation of the Rules. References in the Rules to a time of day are to Singapore time, to "dollars" are to Singapore Dollars and to "days" are to calendar days unless otherwise specified, and where an act is required to be done within a specified period after or from a specified date, the period begins immediately after that date. References to the words "other" and "otherwise" are not to be construed to be of the same as with any foregoing words where a wider construction is possible, and the word "include" and its cognates shall be deemed to be followed by the words "without limitation". If any stated deadline expires on a Saturday, Sunday or public holiday, the deadline shall be deemed to be automatically extended to the next working day.

2. **ALLOCATION EXERCISE TIMELINE**

	Milestones	Duration	Activities
Allocation Exercise	Application Period	9:00am 1 Dec 08 (Mon) to 5:00pm 9 Jan 09 (Fri)	Acceptance of '.sg' single character domain name applications. Registered single character mark owners may claim priority over other qualifying applicants.
	Consolidation and Sorting	9:00am 12 Jan 09 (Mon) to 6:00pm 23 Jan 09 (Fri)	Confirmation of bidding cases and notification to bidders.
	Bidding Period	9.00am 28 Jan 09 (Wed) to 6:00pm 3 Mar 09 (Tue)	Bidders to go for a hands-on course and to self-practice. Actual online bidding day from 10:00am 2 Mar 09 to 5:00pm 2 Mar 09.
	Announcement of Results	By 5:00pm 6 Mar 09 (Fri)	Provisional allocations and results of bidding to be announced on website.
	Objection Period	9:00am 9 Mar 09 (Mon) to 5:00pm 20 Mar 09 (Fri)	Acceptance of objections to provisional allocations.
	Finalisation of Results and Processing	Till 27 Mar 09 (Fri)	Domain names with no objection to be activated on by 6:00pm 27 Mar 09.

3. GENERAL ALLOCATION AND ELIGIBILITY REQUIREMENTS DURING THE APPLICATION PERIOD

- 3.1 SGNIC will receive applications for SCDNs during the Application Period of the current Allocation Exercise (each an "SCDN Application").
- 3.2 Applicants may apply for any available SCDN, provided they meet the registration requirements herein as well as that of the relevant domain name category under which they seek to register the SCDN, as described in the RPPG and Registrant Agreement. All SCDN Applications complying with SGNIC's requirements received during the Application Period will be processed together as a batch after the close of the Application Period, and not on a first-come-first-served basis.
- 3.3 A general launch for SCDNs will not follow the conclusion of the current Allocation Exercise. SCDNs not allocated during the current Allocation Exercise will therefore only be available for registration during subsequent allocation exercises and subject to application procedures, as SGNIC may later determine in its absolute discretion. SGNIC may also reserve SCDNs for subsequent allocation in such manner as it sees fit.
- 3.4 A Registered Trade Mark Holder may claim priority for allocation of a SCDN where there are two or more qualifying applications for the same SCDN (and being, for the avoidance of doubt, in the same domain name category) received during the current Allocation Exercise. More details on priority applications may be found below.

4. APPLICATION PROCEDURE

- 4.1 All SCDN Applications during the Application Period must be submitted via an Accredited Registrar of the Applicant's choice.
- 4.2 The Applicant must inform itself of all terms and conditions of the Accredited Registrar, and shall be solely responsible for compliance therewith, including payment of any fees or deposits to the Accredited Registrar. In particular, since applications for an SCDN may not necessarily result in successful registration, Applicants must understand and agree to the payment/refund terms of the Accredited Registrar.
- 4.3 By submitting a SCDN Application, Applicants agree to the Rules, SGNIC's prevailing registration procedures for the registration of ".sg" domain names (including the Registrant Agreement and RPPG, available at the SGNIC website), and in particular, to meet the prevailing registration criteria for the relevant domain name category in which registration of the SCDN is sought. Thus, for example, an Applicant for the SCDN 'A.com.sg' must also meet the prevailing registration criteria for '.com.sg' domain names. SGNIC and/or the Accredited Registrar shall be entitled to reject any SCDN Application which is not in accordance with the Rules or any other prevailing registration procedures, agreements or criteria.
- 4.4 Each SCDN Application must be accompanied by a deposit of Singapore Dollars Five Thousand Dollars (SGD 5,000) (GST not applicable) thereon ("Application Deposit") and a deposit payment form as set out in Annex 1 ("Deposit Payment Form"). The Application Deposit shall be made payable to "SINGAPORE NETWORK

INFORMATION CENTRE (SGNIC) PTE LTD” and submitted through the Accredited Registrar. The Accredited Registrar must deliver to SGNIC the Application Deposit and Deposit Payment Form in accordance with Clause 10 hereof within 7 days after submission of the SCDN Application or by 5:00 pm on 09 January 2009, whichever is earlier.

- 4.5 The Applicant in submitting any SCDN Application acknowledges and agrees that SGNIC is not responsible for and bears no liability for any breach or failure of the Accredited Registrar to perform its obligations, including any failure to submit the SCDN Application to SGNIC, or to refund or repay any fees to the Applicant.
- 4.6 If a Registered Trade Mark Holder wishes to claim priority for allocation, he must demonstrate that he is the registered proprietor in Singapore of one or more Qualifying Trade Mark(s) identical to the letter of the SCDN for which registration is sought and also that all other requirements for registration of the domain name under the respective domain name categories are met -- for example, only registered proprietors of the trade mark ‘A’ in Singapore may claim priority for allocation of the SCDN ‘A.sg’.
- 4.7 Any Applicant wishing to claim allocation priority during the Application Period must submit a Priority Claim Form (as set out in Annex 2 hereto) stating the basis of the claim to such priority (eg. details of trade mark registration) together with any other requisite documents SGNIC may require. Priority Claim Forms (and supporting documents) must be completed in full and must be submitted via the Accredited Registrar within 7 days after submission of the SCDN Application, or received by SGNIC together with all relevant particulars and requisite documents by 5:00 pm on 09 January 2009, whichever is earlier. Incomplete or inaccurate Priority Claim Forms (as well as any SCDN Application(s) to which these forms relate) may be rejected by SGNIC in its sole discretion.
- 4.8 Where there are two or more Applicants for the same SCDN claiming priority and SGNIC determines these Applicants are respectively entitled to claim such priority, such Applicants will be invited to bid for the SCDN in accordance with a bidding process described in Clause 5 below.
- 4.9 Any failure to submit an accurate and duly completed Priority Claim Form within the period specified in Clause 4.7 and in the manner stated therein will result in the SCDN Application being treated as a normal application without reference to any priority claim by the Applicant, and even if the Applicant would have been entitled to claim priority if it had duly filed the Priority Claim Form.

5. **BIDDING PROCESS**

- 5.1 During the Application Period, where
 - (a) there are two or more qualifying Applicants for a particular SCDN and there is no other Applicant claiming priority which SGNIC determines to be entitled to claim such priority, or
 - (b) there are two or more Applicants for the SCDN claiming priority which SGNIC determines are entitled to claim such priority,

such Applicants will be invited to bid for the allocation of the SCDN in accordance with the bidding process set forth below. SGNIC will notify these Applicants of the requirement for bidding via email at the email address specified as the e-mail correspondence address of the Applicant in its SCDN Application ("Bidding Notification"). SGNIC shall not be obliged to provide Applicants with any other form of notification of the requirement for bidding.

- 5.2 Each Applicant agrees that SGNIC shall not be liable for any failure of the Applicant to receive any Bidding Notification, and that it will not initiate any claim action or proceeding against SGNIC or invalidate any bidding process on account of such failure. Further, it shall be condition precedents to any Applicant's participation in the bidding process that it agrees to and complies with such terms and conditions as SGNIC may specify in relation thereto (which may also include without limitation any terms and conditions which may be imposed by any third parties which SGNIC may engage to provide any services and/or facilities in connection with the conduct of the bidding process).
- 5.3 The bidding will be conducted electronically via an Internet website at a URL to be specified by SGNIC in the Bidding Notification. Each Applicant shall be solely responsible for obtaining access to the said website and at its own cost and expense.
- 5.4 Unless SGNIC specifies otherwise, the minimum bid for the allocation of any SCDN subject to bidding shall be Singapore Dollars Twenty Thousand Only (SGD 20,000) (before GST). This minimum bid shall be payable for allocation of the SCDN, even if no other Applicant invited to bid for the SCDN participates in any bidding for the SCDN.
- 5.5 All bids for the SCDN must be submitted during the bidding period. SGNIC may also designate a minimum bid increment.
- 5.6 The highest bidder for the SCDN as at the designated bid closing time must without further demand pay to SGNIC the winning bid amount together with GST payable at the prevailing rate thereon ("the Final Price"), less only the Application Deposit, in accordance with Clause 12 no later than 5:00 pm on the 14th day following the close of the bid ("Bid Payment Deadline"), failing which the bid may be disqualified. If the bid is disqualified for any reason, the Application Deposit will be forfeited, and the SCDN may be made available for subsequent allocation by SGNIC in such manner as it shall see fit.
- 5.7 In addition to any other remedies available to SGNIC, SGNIC shall be entitled to enter judgment against the successful bidder for all amounts owing and due to SGNIC as well as interest thereon.
- 5.8 Notwithstanding anything to the contrary in the Rules, the RPPG or the Registrant Agreement, each Applicant agrees that (a) SGNIC shall have the right to publicise and disclose to any third parties the particulars of bidders, the Final Price, bid history, the SCDN bid for, and the SCDN allocated at the Final Price, and (b) SGNIC may outsource to and/or engage third parties to provide any services and/or facilities in connection with the conduct of the bidding process, and the Applicant irrevocably agrees to the disclosure by SGNIC of all information relating to its SCDN Application to such third parties.

6. ALLOCATION

- 6.1 Provisional allocations of SCDNs will be published on SGNIC's website (<http://www.sgnic.sg>) by 5:00pm on 06 March 2009.
- 6.2 SGNIC does not guarantee that all Applicants will be allocated the SCDN sought to be registered even if all application requirements have been complied with. This may be due (amongst other reasons) to another Applicant having also applied for the same SCDN and having higher priority, etc.
- 6.3 Where an SCDN has been provisionally allocated otherwise than via the bidding process, the Application Deposit of the successful Applicant will be retained by SGNIC and the successful Applicant must pay to SGNIC the further sum of Singapore Dollars Fifteen Thousand Dollars (SGD 15,000) together with GST payable at the prevailing rate thereon in accordance with Clause 12 no later than 5:00 pm on the 14th day following the publication of the provisional allocation results in accordance with Clause 6.1. If however, payment is not received by the payment deadline or the provisionally allocated SCDN is disqualified for any reason, the Application Deposit will be forfeited and the SCDN may be made available for subsequent allocation by SGNIC in such manner as it shall see fit. Application Deposits accompanying unsuccessful SCDN Applications will be returned by SGNIC to the Applicants therefor at the address specified in the Deposit Payment Form.
- 6.4 All Applicants acknowledge and agree that SGNIC is not responsible for any claims for refunds or repayment of any fees paid to any Accredited Registrar arising on account of any non-allocation of any SCDN.
- 6.5 Save as expressly provided in the Rules, all allocation fees and/or bidding amounts paid to SGNIC are non-refundable.

7. OBJECTION AGAINST ALLOCATION

- 7.1 Any person objecting to the provisional allocation of a SCDN ("the Complainant") during the current Allocation Exercise ("the Disputed SCDN"), and which would have qualified as an Applicant for the Disputed SCDN, may within 14 days after the date on which the results of provisional allocation of the SCDN are announced by SGNIC, raise an objection in the manner set forth below, on the sole ground that such allocation was not made in accordance with the Rules. Objections on other grounds will not be entertained.
- 7.2 A Complainant objecting to the provisional allocation of a Disputed SCDN must state, together with all requisite documents or information in support of the Complainant's assertions and/or as may be prescribed by SGNIC, the basis upon which it asserts that (a) it meets the qualifications for the filing of a Complaint, and (b) the provisional allocation of the Disputed SCDN was not made in accordance with the Rules in an objection form (in the form set out in Annex 3) ("Objection Form"). The completed Objection Form and all accompanying documents must be addressed to and delivered by post or by hand to SGNIC by 5:00 pm on 20 March 2009. The Objection Form must be delivered to SGNIC in accordance with Clause 10 and marked for the attention of the General Manager, SGNIC.

7.3 SGNIC will appoint a panel to evaluate each objection (the "Objection Review Panel"). The Objection Review Panel shall be competent to determine the form and procedure to be adopted in the evaluation of objections, and shall also have the power (but not the obligation) to require the Complainant and Applicant of any SCDN to submit such further documents and evidence as it may see fit. The Objection Review Panel's decision on the objection raised in the Objection Form shall be final and binding on the Applicant and Complainant, and any Disputed SCDN in respect of which the objection has been successfully raised shall be released for subsequent allocation. In such event, any allocation fee or bid amount paid in connection with the Disputed SCDN will also be refunded to the unsuccessful Applicant and this shall constitute a full and final discharge and release of all claims against SGNIC by the Applicant.

7.4 Each Applicant and Complainant further agrees to fully release and discharge SGNIC, its agents and employees, as well as the Objection Review Panel of any and all liability in relation to any loss, damage or claim of whatsoever nature caused to or suffered by any Applicant or Complainant in relation to any allocation results or the findings of the Objection Review Panel.

8. ACTIVATION OF SINGLE CHARACTER DOMAIN NAMES

8.1 If no objection is received against the provisional allocation of an SCDN, SGNIC has received all requisite payments in connection therewith in full, and the Applicant has otherwise complied in all respects with its obligations to SGNIC, such SCDN shall be activated and allocated to the Applicant in accordance with the timelines indicated in Clause 2.

8.2 If an objection is filed against the provisional allocation of an SCDN, that SCDN will not be activated or allocated to the Applicant until SGNIC has rendered its final decision in accordance with Clause 7.

9. APPLICANT'S UNDERTAKINGS

9.1 No Applicant shall at any time collude or enter into any arrangement for purposes of colluding with any other Applicant(s) to influence or attempt to influence the proceedings or results of the Allocation Exercise. If SGNIC in its sole and absolute opinion determines that any Applicant has colluded or is colluding with any other Applicant(s) or persons, it may upon notification exclude such Applicant from its participation or further participation in the Allocation Exercise and/or the allocation of any SCDN(s) to it. SGNIC may further cancel any SCDN(s) allocated to any such Applicant without any refunds or repayment of any fees paid in connection with the allocation, application and/or bidding for such SCDN(s).

9.2 Each Applicant represents, warrants and undertakes to SGNIC that all statements, warranties, representations and/or documents made or provided to SGNIC during the Allocation Exercise (whether as part of any application form, Priority Claim Form, Objection Form or in response to any request by SGNIC or otherwise howsoever) shall be complete and accurate and shall not be false or misleading as at the date such statements, warranties, representations and/or documents are made or provided to SGNIC. If SGNIC in its sole and absolute opinion determines any Applicant to be in breach of this Clause 9.2, it may upon notification exclude such Applicant from its participation or further participation in the Allocation Exercise

and/or the allocation of any SCDN(s) to it. SGNIC may further cancel any SCDN(s) allocated to any such Applicant without any refunds or repayment of any fees paid in connection with the allocation, application and/or bidding for such SCDN(s).

10. NOTICES

- 10.1 All notices to SGNIC and all payments to be made to SGNIC shall be delivered to the address stated below:

Singapore Network Information Centre (SGNIC) Pte Ltd

8 Temasek Boulevard
#14-00 Suntec Tower Three
Singapore 038988

Notices so delivered shall only be deemed received by SGNIC at the date and time indicated by SGNIC's official date stamp acknowledging receipt of the letter.

Notices may also be faxed to SGNIC at the facsimile number +65 6211-2217 but Applicants may be required by SGNIC to furnish proof of the successful transmission of the facsimile in its entirety to SGNIC as a condition of acceptance of such notice. Proof of posting shall not constitute proof of delivery to SGNIC. Applicants assume all risk as to the timely delivery of their notices and documents to SGNIC.

- 10.2 All notices by SGNIC to any Applicant may be sent by

- (a) post or hand to the Applicant's mailing address as set out under the "Owner Contact" field of the on-line application submitted to the Accredited Registrar in respect of the SCDN Application; or
- (b) email to the Applicant's email address specified in such on-line application.

SGNIC may also effect service of any process of the applicant in the manner stated herein. Any notice referred to in this Clause 10.2:

- (i) if delivered by hand, shall be deemed to have been received on the day such notice is delivered;
- (ii) if sent by post, shall be deemed to have been received when posted; and
- (iii) if sent by email, shall be deemed to have been received at the time the email is transmitted.

11. DISPUTES

- 11.1 By filing an application to register a SCDN under the current Allocation Exercise, without prejudice to the Applicant's obligations and undertakings pursuant to the Registrant's Agreement, the Applicant agrees to be bound by the Rules, as well as the Singapore Domain Name Dispute Resolution Policy, Rules and Supplemental Rules ("Dispute Resolution Policy"). In addition, if an Applicant intends to file or has filed an objection under Clause 7, such Applicant shall not commence any court or administrative proceedings under the Dispute Resolution Policy until after the Objection Review Panel renders its final decision under Clause 7.

11.2 The Rules shall be governed by Singapore law, and all Applicants shall submit to the exclusive jurisdiction of the courts of Singapore.

12. **GENERAL**

12.1 SGNIC shall have the right to amend the Rules at any time from time to time, and SGNIC will publish the amended version of the Rules on SGNIC's website. Each amended version of the Rules will become binding and effective on all Applicants on the effective date specified by SGNIC, and will supersede all previous versions of the Rules. All Applicants shall be solely responsible for reviewing SGNIC's website regularly in order to inform themselves of all such amendments.

12.2 Unless expressly stated otherwise, all sums referred to in the Rules, including all fees, and the Final Price, are exclusive of GST, which shall be payable in addition thereto at the rate prevailing at the time of payment. All bank charges must be borne by Applicants, and SGNIC must receive, after deduction of all bank charges, all funds in Singapore Dollars in the amounts stated in the Rules.

12.3 All sums payable to SGNIC must be paid by way of cheque, cashier's order or telegraphic transfer in favour of "SINGAPORE NETWORK INFORMATION CENTRE (SGNIC) PTE LTD" and delivered to SGNIC in accordance with Clause 10, unless otherwise stated. SGNIC must receive all such sums in full and in cleared funds before the expiry of the relevant payment deadline. The Applicant's name and the SCDN applied for must be indicated on the back of the cheque, cashier's order, or in the case of a telegraphic transfer, the payment reference should be the SCDN applied for. Failure to comply with these requirements may result in a rejection of the SCDN Application.

12.4 In the event that the amount due to SGNIC is not received by SGNIC in full by the relevant deadline, then in addition to SGNIC's other remedies available hereunder and/or at law, SGNIC shall be entitled to interest on all sums remaining unpaid for each day beyond the relevant deadline, to be calculated on a daily basis at a rate of 5.38% per annum on the unpaid amount. The right to interest at the rate stated herein shall extend until judgment is obtained, as the case may be.