



.LUXURY TRADEMARK ABUSE COMPLAINT PROCEDURE

The .LUXURY Registry will accept formal written complaints from third parties (“Complainants”), alleging impermissible registrations and/or the occurrence of prohibited actions under .LUXURY’s Acceptable Use Policy or other relevant law or policy, including without limitation cybersquatting on websites hosted on .LUXURY domain names.

Complaints

1. Complaints should be submitted to the .LUXURY Registry through the abuse@join.luxury channel and will be resolved in accordance with this policy, and other relevant .LUXURY and ICANN policies.
2. Complaints must aver to facts demonstrating that:
 - I. The Complainant holds a valid registration in the trademark or service mark upon which the complaint is based (the “Mark”); and
 - II. The Mark is used in commerce; and
 - III. The domain name in question (the “Domain”) matches, embodies, or is confusingly similar to the Mark; and
 - IV. The registrant of the Domain (the “Registrant”) has no legitimate right or interest in the Mark; and
 - V. The Domain was registered in bad faith or is being used in bad faith; or
 - VI. The Domain is being used in a manner that denies the Mark holder the opportunity to use the Domain for legitimate commercial purposes associated with its Mark.
3. If the Complainant relies on factor VI above, it must provide a written declaration that if the Domain is recovered, Complainant will use the Domain by, at a minimum, causing it to resolve to a website associated with the Mark and featuring content, which shall remain active and updated throughout the Domain’s registration period.

Responses

1. Upon receiving a complaint, .LUXURY will provide the Registrant with electronic notice of the complaint, via email to Registrant Email address listed in the WHOIS records.

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2. Within ten (10) days of the date on which .LUXURY provides electronic notice, the Registrant may submit a response to the complaint.

Evaluation

1. .LUXURY may, in its discretion, directly contact the Registrant and/or the Complainant to ascertain the full scope of the alleged abuse.
2. .LUXURY will perform an assessment of the facts comprising the gravamen of the complaint and any relevant defenses.

Remedies

1. Should .LUXURY determine that the registration and/or use of the Domain violates this policy, the Acceptable Use Policy, or other .LUXURY or ICANN policies, .LUXURY, in its sole discretion, may:
 - I. Direct the sponsoring registrar to transfer the Domain to Complainant;
 - II. Cancel the registration and delete the Domain in its entirety;
 - III. Place the Domain on hold;
 - IV. Fashion whatever other equitable remedy .LUXURY determines to be appropriate in the circumstances.