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## One and two character domain names will be available soon under the Austrian ccTLD <.at>

*While it has been possible to register one or two character domain names ("short domains") under several Top Level Domains (TLDs) for quite some time (eg for the German <.de> TLD, following the 2009 <vw.de> judgment), the Austrian registry operator nic.at has hitherto not delegated short domains under the TLD <.at> (to date the minimum length of domain names under the <.at> top level domain had been three characters).*

As of 29 August 2016, nic.at will initiate the launch process of approx 5,000 one and two character domain names under the TLD <.at> (e.g. <a1.at>, <ö3.at>, <hm.at>, <vw.at>, <f.at>).

### **Launch Process: Sunrise Period, Public Auction Phase and General Availability**

In order to take the legitimate interests of trademark owners into consideration the domains will be released in phases granting trademark owners a "head start". During the sunrise-period (29 August 2016 to 23 September 2016) only owners of trademarks enjoying protection in Austria (or their authorised agents) can request delegation of short domains. This possibility applies for registered trademarks that already enjoyed protection in Austria (which includes EU Trademarks and International Registrations designating Austria or the EU) on 1 July 2015 – mere trademark applications pending at such date would not suffice. The trademark has to be identical to the domain applied for or must contain a one or two character combination with distinctive character.

If there is only one valid sunrise application for a certain short domain, the domain will be granted to the respective applicant. If there are two or more valid applications, an auction among the respective applicants will take place (10 October 2016 to 21 October 2016).

As of 7 November 2016, short domains that have not been delegated in the sunrise period will be subject to a public auction process. As of 6 December 2016, the remaining short domains will be delegated on a first come first serve basis.

### **What does this mean for trademark owners?**

Owners of trademarks consisting of one or two characters (eg abbreviations), in particular those active on the Austrian market, should consider requesting delegation of their (short) trademarks as domains under the <.at> TLD in order to actively use them or at least to prevent unauthorised third parties (domain grabbers) from taking advantage.

By taking the opportunity of applying early (ie within the sunrise period), trademark owners can (at least try to - as there may be other trademark owners having eligible trademarks in different business areas) secure the respective short domain before it becomes available to the general public and therefore vulnerable to cybersquatting.

If trademark owners decide against applying for a short domain within the sunrise period (or if they have no eligible trademark registration), they should stay alert in order to obtain relevant short domains after the sunrise period or to consider taking legal steps against an unauthorised registrant of a respective short domain name.

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In this respect it should be noted that Austria does not have a UDRP-like dispute resolution mechanism under the ccTLD <.at>. Thus, any dispute would have to be resolved in ordinary civil court proceedings. In such proceedings – according to current Austrian case law – only cancellation, but not transfer of an infringing domain name, can be requested.

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Further information on the release of short domain names under the ccTLD <.at> can be found on the [website of the Austrian registry operator nic.at](#).