

GAC Early Warning – Submittal Sarl-LU-75239

Application ID: 1-1624-75239

Entity/Applicant Name: Delta Orchard, LLC

String: .sarl

Early Warning Issue Date: 20 November 2012

Early Warning Description:

The Luxembourg Government wishes to underline that the term “.sarl” as an abbreviation refers to a specific legal form of companies under Luxembourg law.

Reason/Rationale for the Warning:

SARL is an acronym which means *Société Anonyme à Responsabilité Limitée* in many countries including Luxembourg and France. SARL is a legal form of company. A SARL is a company with limited liability regarding the contributions of its shareholders. In Luxembourg, only companies registered as *Société Anonyme à Responsabilité Limitée* have the right to use the acronym SARL.

In the case of the nTLD “.sarl”, the average internet user in a French speaking country will expect a SLD like “(name of a company).sarl” to be linked and used by a company created and registered as a “Société à Responsabilité Limitée”.

To enhance the protection against any misuse or misinterpretation of “.sarl” as part of a domain name, Luxembourg suggests an implementation of the following terms as a safeguard:

- Applicants for SLD under “.sarl” have to be companies which are already registered as “Société Anonyme à responsabilité limitée” according to the regulation in Luxembourg and France; or they should be able to prove that such a registration is pending in at least one of the countries with identical legislation regarding the SARL.

- Applicants for SLD under “.sarl” have to prove that they are subject to liability as a SARL by providing a full set of valid documents from their respective jurisdiction.

Supporting Countries (Optional):

Possible Remediation:

To enhance the protection against any misuse or misinterpretation of “.sarl” as part of a domain name, Luxembourg suggests an implementation of the following terms as a safeguard:

- Applicants for SLD under “.sarl” have to be companies which are already registered as “Société Anonyme à responsabilité limitée” according to the regulation in Luxembourg and France; or they should be able to prove that such a registration is pending in at least one of the countries with identical legislation regarding the SARL.
- Applicants for SLD under “.sarl” have to prove that they are subject to liability as a SARL by providing a full set of valid documents from their respective jurisdiction.

Further Notes from GAC (Optional):

Instructions for Applicant

ICANN strongly encourages that the applicant work with relevant parties as soon as possible to address the concern voiced in the GAC Early Warning.

Upon receipt of this GAC Early Warning, the applicant has 21 calendar days to inform the GAC and ICANN, through the TLD Application System (TAS), of its decision to either withdraw or continue with the application. If the applicant does not notify the GAC and ICANN within 21 days of receiving the GAC Early Warning of its decision. The application will not move forward with the evaluation process.

Asking questions about your GAC EW

If you have questions or need clarification about your GAC Early Warning, please contact {TBD}. As highlighted above, ICANN strongly encourages applicant's to contact {TBD} as soon as practical to ensure you are able to move to the next steps within the 21 day allotted time period.

Continuing with your application

If the applicant chooses to continue then they must complete the "Applicant's Response" section below notifying the GAC of intended actions, including the expected completion date, and remit their response to {need to define where this will be sent} within 21 days. Separately, the applicant must indicate in TAS its intention to continue with their application.

To complete these tasks the applicant must perform the following steps:

1. Log into TAS
2. Open the GAC Early Warning task
3. Click on the "Continue" button
4. Separately, submit the GAC EW with the completed "Applicant Response" section to {TBD }

Withdrawing your application

Applicants choosing to withdraw must notify ICANN and the GAC within the 21-day window to be eligible for a refund of 80% of the evaluation fee (USD 148,000).

To receive the 80% refund, within 21-days the applicant must perform the following steps:

1. Log into TAS
2. Open the GAC Early Warning task
3. Click on the "Withdraw" button

For questions please contact: gacearlywarning@gac.icann.org

Applicant Response:

Applicant Decision

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Remediate

Withdraw Application



Proceed With Application
