



Brussels, 28 March 2018

## NOTICE TO STAKEHOLDERS

### WITHDRAWAL OF THE UNITED KINGDOM AND EU RULES ON .EU DOMAIN NAMES

The United Kingdom submitted on 29 March 2017 the notification of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union. This means that, unless a ratified withdrawal agreement<sup>1</sup> establishes another date, all Union primary and secondary law will cease to apply to the United Kingdom from 30 March 2019, 00:00h (CET) ('the withdrawal date').<sup>2</sup> The United Kingdom will then become a 'third country'.<sup>3</sup>

Preparing for the withdrawal is not just a matter for EU and national authorities but also for private parties.

In view of the considerable uncertainties, in particular concerning the content of a possible withdrawal agreement, the .eu Top Level Domain Registry, accredited .eu Registrars, .eu domain names registrants, applicants for .eu domains names and generally stakeholders are reminded of legal repercussions, which need to be considered when the United Kingdom becomes a third country.

Subject to any transitional arrangement that may be contained in a possible withdrawal agreement, the EU regulatory framework for the .eu Top Level Domain<sup>4</sup> will no longer apply to the United Kingdom as from the withdrawal date. This has in particular the following consequences:<sup>5</sup>

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<sup>1</sup> Negotiations are ongoing with the United Kingdom with a view to reaching a withdrawal agreement.

<sup>2</sup> Furthermore, in accordance with Article 50(3) of the Treaty on European Union, the European Council, in agreement with the United Kingdom, may unanimously decide that the Treaties cease to apply at a later date.

<sup>3</sup> A third country is a country not member of the EU.

<sup>4</sup> Regulation (EC) No 733/2002 of the European Parliament and of the Council of 22 April 2002 on the implementation of the .eu Top Level Domain, OJ L 113, 30.4.2002, p.1; Commission Regulation (EC) No 874/2004 of 28 April 2004 laying down public policy rules concerning the implementation and functions of the .eu Top Level Domain and the principles governing registration, OJ L 162, 30.4.2004, p.40; and Commission implementing Decision of 11 April 2014 on the designation of the .eu Top Level Domain Registry, OJ L 109, 12.4.2004, p. 41.

<sup>5</sup> Regulation (EC) No 733/2002 does not require .eu domain names registrars to be established in the EU. However, other applicable EU rules may affect them. For more information, for instance on electronic

## **1. REGISTRATION AND RENEWAL OF DOMAIN NAMES**

In accordance with Article 4(2)(b) of Regulation (EC) No 733/2002, the following persons are eligible to register .eu domain names: (i) undertakings having their registered office, central administration or principal place of business within the EU; (ii) organisations established within the EU (without prejudice to the application of national law); and (iii) natural persons resident within the EU.

As of the withdrawal date, *undertakings* and *organisations* that are established in the United Kingdom but not in the EU and *natural persons* who reside in the United Kingdom will no longer be eligible to register .eu domain names or, if they are .eu registrants, to renew .eu domain names registered before the withdrawal date.

Accredited .eu Registrars will not be entitled to process any request for the registration of or for renewing registrations of .eu domain names by those undertakings, organisations and persons.

## **2. REVOCATION OF REGISTERED DOMAIN NAMES**

Where, as of the withdrawal date and as a result of the withdrawal of the United Kingdom, a holder of a domain name does no longer fulfil the general eligibility criteria pursuant to Article 4(2)(b) of Regulation (EC) 733/2002, the Registry for .eu will be entitled to revoke such domain name on its own initiative and without submitting the dispute to any extrajudicial settlement of conflicts in accordance with point (b) of Article 20, first subparagraph, of Commission Regulation (EC) No 874/2004.

## **3. RIGHTS THAT CAN BE INVOKED IN PROCEDURES FOR THE REVOCATION OF SPECULATIVE AND ABUSIVE REGISTRATIONS**

According to Article 21(1) of Commission Regulation (EC) 874/2004, a registered domain name shall be subject to revocation, using an appropriate extra-judicial or judicial procedure, where that name is identical or confusingly similar to a name in respect of which a right is recognised or established by national and/or Union law and where the registered domain name was the subject of speculative and abusive registration as described in that Article.

As of the withdrawal date, rights recognised or established by the United Kingdom, but not by EU-27 Member States or by the Union, can no longer be invoked in procedures under Article 21(1). By contrast, rights recognised by the Member States or by the Union, arising from international instruments, like rights arising from Article 6bis of the Paris Convention for the Protection of Industrial Property and Article 16(2) and (3) of the Agreement on Trade-related Aspects of Intellectual Property Rights, are not affected.

#### **4. APPLICABLE LAW IN AGREEMENTS BETWEEN ACCREDITED .EU REGISTRARS AND .EU REGISTRANTS**

In accordance with Article 5, first subparagraph, of Commission Regulation (EC) No 874/2004, agreements between the Registrar and the registrant of a .eu domain name cannot designate, as applicable law, a law other than the law of a EU Member State, nor can they designate a dispute-resolution body, unless selected by the .eu Top Level Domain Registry pursuant to Article 23 of that Regulation, nor an arbitration court or a court located outside the EU.

Should any such agreement designate as applicable law the law of the United Kingdom, the Registrar and registrant concerned are advised to amend the relevant agreement accordingly so that it complies with Article 5, first subparagraph, of Regulation (EC) No 874/2004 as of the withdrawal date.

The websites of the Commission on the EU rules for the digital single market (<https://ec.europa.eu/digital-single-market/en/the-top-level-domain-.eu> and [http://ec.europa.eu/ipg/basics/urls/doteu\\_en.htm](http://ec.europa.eu/ipg/basics/urls/doteu_en.htm)) provide general information on the rules concerning the Top Level Domain .eu. These pages will be updated with further information, where necessary.

European Commission  
Directorate-General for Communications Networks, Content and Technology