

## Refining the ‘a.tr’ domain allocation: what you need to know

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08 March 2024



### TURKEY

Legal updates: case law analysis and intelligence

- The registration of domain names with the ‘a.tr’ structure became possible 12 months after TRABIS became operational
- The “Procedures and Principles for the Allocation of Domain Names with the ‘a.tr’ Structure”, published in August 2023, outline the roadmap for implementation
- The allocation of ‘a.tr’ domain names is structured into three categories pursuant to the principle of rights holder priority

## Background

Established at the Middle East Technical University, Nic.tr had been managing ‘.tr’ domain names and resolving disputes related to these domains since 1991. However, on 14 September 2022 TRABIS was established under the auspices of the Information Technologies and Communication Authority (BTK), marking a shift in the management of ‘.tr’ domain names.

With the entry into force of the Internet Domain Names Communiqué, the allocation of domain names began to follow the undocumented, ‘first come, first served’ principle, albeit with some exceptions. It was also announced that the registration of domain names with the ‘a.tr’ structure would become possible 12 months after TRABIS became operational.

## New procedure

To address the concerns regarding the registration of this type of domain, the “Procedures and Principles for the Allocation of Domain Names with the ‘a.tr’ Structure” were published on 25 August 2023 by the BTK. This regulation outlined the roadmap for implementation, providing clarity on how ‘a.tr’ domain names would be allocated going forward.

While the regulation primarily operates on a 'first come, first served' basis, certain entities receive precedence. Under the principle of rights holder priority, the allocation of 'a.tr' domain names is structured into three categories.

### **First category**

In this category, designated for public institutions, priority is given to extensions allocated before 14 September 2023. These include 'gov.tr', 'edu.tr', 'tsk.tr', 'bel.tr', 'pol.tr' and 'k12.tr', as outlined in Article 27 of the communiqué. These extensions are listed in hierarchical order, ensuring precedence in case of conflicting claims over the same domain. The allocation process for entities within this category concluded on 14 November 2023.

### **Second category**

In this category, priority is accorded to specific organisations utilising 'org.tr' domain names. These include:

- professional organisations holding public institutional status;
- public benefit associations and tax-exempt foundations; and
- professional organisations representing workers or employers.

The allocation process for entities within this category concluded on 14 February 2024.

### **Third category**

Following the conclusion of the allocation process for the first and second categories, the procedure for the third category commenced on 14 February 2024. The requests will be gathered over the initial three-month period until 14 May 2024. Subsequently, allocations will be made following evaluation within the subsequent one-month period, from 14 May to 14 June 2024. Therefore, the allocation process within this category is expected to take approximately four months.

Within the third category, priority is determined based on extension-based domain name ownership. Preference is given to domain names with extensions such as 'kep.tr', 'av.tr', 'dr.tr', 'com.tr', 'org.tr', 'net.tr', 'gen.tr', 'web.tr', 'name.tr', 'info.tr', 'tv.tr', 'bbs.tr' and 'tel.tr'. In cases where two domain names are identical, the extension listed previously will receive precedence.

Domain name holders are free to apply through their preferred registration institution and are permitted to submit multiple applications through different institutions for pre-applications. However, in order to prevent applications by malicious third parties, the BTK has implemented a rule requiring that the previous domain name under the third category must have been registered before 25 August 2023. When applying, the owner's information for the earlier domain name must also match the owner's information for the 'a.tr' domain name applied for.

It should also be noted that, under the procedures and principles published by BTK, the 'a' part in the allocation of 'a.tr' must consist of at least four characters.

## **Conclusion**

It is imperative for IP rights holders to adhere diligently to the prescribed procedures. The 'first come, first served' principle, if left unchecked, can be exploited by malicious third parties to their advantage. This could potentially lead to unjust gains at the expense of genuine domain name and IP rights holders. Particularly concerning is the potential for abuse through the registration of domain names with extensions such as 'a.tr'. Failure to follow the proper application processes outlined by the BTK could leave rights holders vulnerable to exploitation and infringement. Therefore, meticulous attention to these procedures is essential to safeguard IP rights and prevent unwarranted losses.

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