

THE DECREE 113/2024, OF MARCH 20, 2024, WHICH APPROVES THE REGULATION FOR THE TRANSITION AND OPENING OF THE ".AD" DOMAIN NAME REGISTRY.

As explained in a previous article regarding the content of Decree 114/2024, of March 20, 2024, which approves the ".ad" domain name registration regulations, the exponential evolution of the digital world and e-commerce has required a progressive update of the ".ad" domain name registration procedure. In this context, the registration of domain names currently constitutes a fundamental piece in the construction and protection of the online identity of businesses, organizations, and individuals.

The new regulation guarantees the validity of the previously granted ".ad" domains, ensuring a transition to a more modern, secure, flexible, and efficient system. The new Regulation, which is the subject of reflection, establishes three key periods in the ".ad" domain name registration procedure and highlights a certain right of "priority" that we will now refer to as "previous rights."

Article 4 of the Paris Convention of 1883, regarding the protection of industrial property (patents, utility models, trademarks, trade names, and industrial designs), states that:

"(...) A.2) Any registration that has the value of a regular national registration is recognized as giving rise to the right of priority, under the national legislation of each country of the Union or bilateral or multilateral treaties signed between countries of the Union. (...)"

Obviously, speaking of the right of "priority" in the context of domain name registration has a different meaning. In this case, the priority rests on the nature of the applicant itself and its previous rights protected by Andorran law. The right of "priority" in the matter of ".ad" domain name registration is based on a criterion of *personae* and *ratione temporis*.

On the one hand, there is a transition phase (from May 22, 2024, to October 16, 2024) that will allow continuing to process ".ad" domain registration applications according to the categories of the previous regulations (public institutions, holders of Andorran trademarks and trade names). In other words, the transition phase truly represents the bridge between the old system and the new one, ensuring a progressive adaptation of the ".ad" domain name registration procedure. In this first phase, only Andorran public institutions and holders of Andorran trademarks and trade names registered with OMPA before the start of this phase are the only beneficiaries of the right to apply for the registration of a ".ad" domain name, through the mandatory intervention of an accredited Andorran registrar.

Applications received are validated and approved in order of arrival without having to wait for the end of the period, by virtue of the principle of priority of arrival. In summary, registration applications submitted by an accredited Andorran registrar on behalf of Andorran public institutions and holders of Andorran trademarks and trade names registered before May 22, 2024, are prioritized and approved without any waiting period.

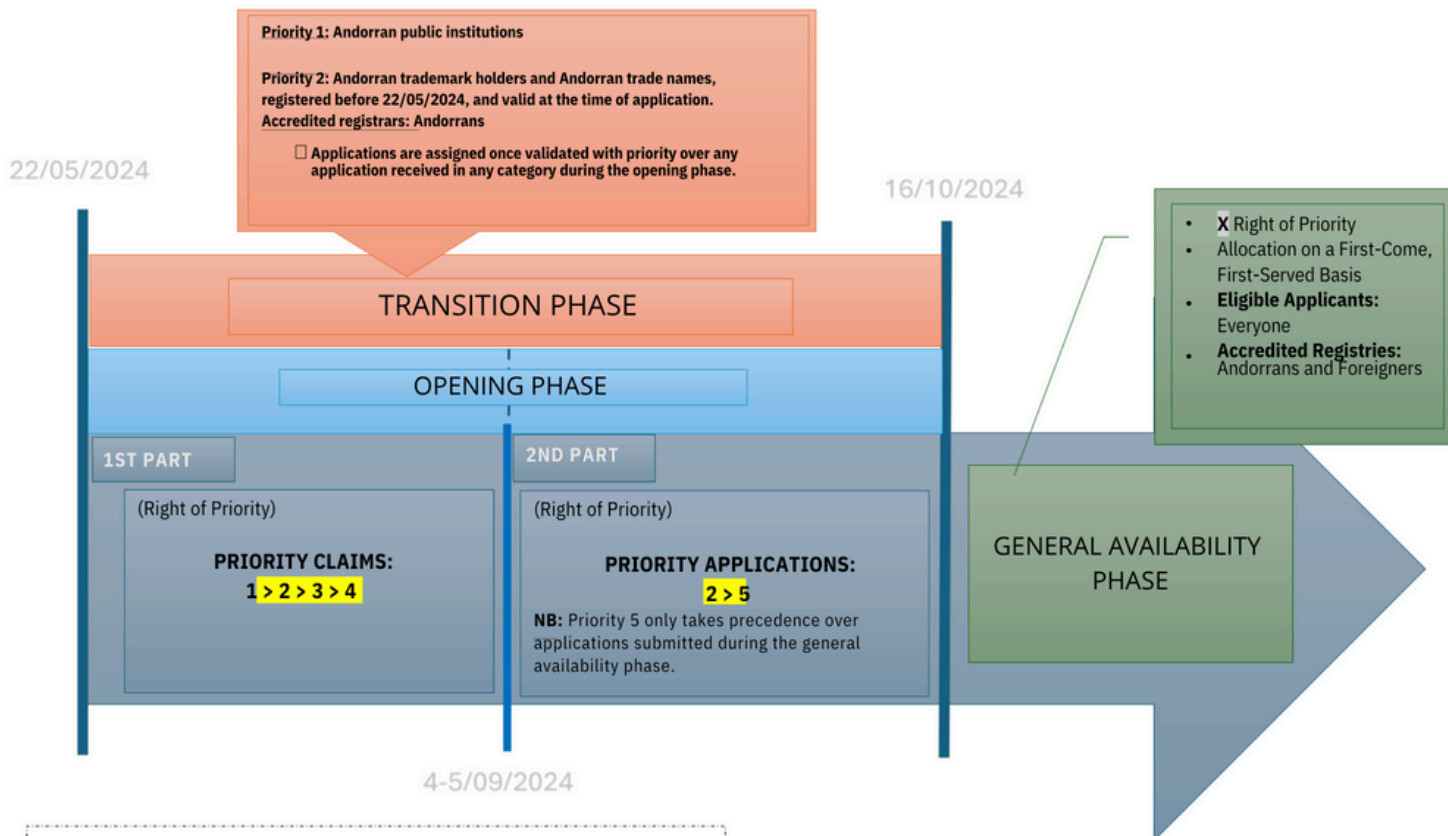
The second phase is known as the opening phase. It also begins on May 22, 2024, but is divided into two periods, from May 22 to September 4, 2024, and from September 5 to October 16, 2024. The first period allows Andorran legal entities holding corporate names, holders of trademarks without effect in the Principality, Andorran residents holding pre-existing domains or not, to apply for a ".ad" domain name, by submitting the application through an accredited Andorran registrar. Applications submitted will be analyzed and assigned at the end of the transition and opening phases, i.e., on October 16, 2024, always respecting the hierarchy of each category.

On September 5, 2024, the second temporary period of the aforementioned opening phase begins. During these last five weeks of the opening and transition phase, everyone, including applicants for domain names from the categories exposed in the first period, can apply for the registration of a domain name, through the intervention of an accredited Andorran registrar, or a foreign registrar exclusively in the case of foreign trademark holders and someone who wants to register a domain name not listed in priorities 1-2 of the transition phase or priorities 1-4 of the opening period ("land rush").

The last phase of the regulatory and procedural change of ".ad" domain name registration begins on October 16, 2024. This last period is called "general availability," in which everyone can apply for the registration of a ".ad" domain name through the intervention of accredited Andorran or foreign registrars, all without any application of the principle of "priority." The assignment of the requested names is done in strict order of arrival, leaving aside the concept of "previous rights" as well as the "right of priority" or the "principle of priority."

This new procedure may have generated some interpretative difficulties, both for applicants and for professionals on the front line. The transition phase, a parallel period to the opening phase, represents a procedure for the transition to the total and absolute opening of the ".ad" domain name registry in the Principality of Andorra.





- PRIORITY 1:** Corporate names of Andorran legal entities
- PRIORITY 2:** Foreign trademarks (without effect in Andorra)
- PRIORITY 3:** Andorran residents
- PRIORITY 4:** Pre-existing domain names
- PRIORITY 5:** Landrush, i.e., everything that does not fall under priorities 1-4