

Trademark and Intellectual Property Complaint Policy

1. Purpose and Scope

This policy outlines the procedures for receiving, evaluating, and processing claims related to:

- trademark infringement
- copyright infringement
- misuse of trade names
- counterfeiting
- intellectual property violations

The purpose of the policy is to protect the rights of trademark owners, prevent misuse, and provide a resolution mechanism compliant with international regulations (ICANN, TRABIS, WIPO).

This policy applies to Domain Services, Hosting, DNS, SSL, Email, and all other services offered by Atak Domain Bilgi Teknolojileri A.Ş. ("Atak Domain", "we", "us").

2. Atak Domain's Role and Limitations of Responsibility

Atak Domain:

- is a domain registrar and hosting provider,
- does not have direct control over customer-uploaded content,
- can only take action on valid and verifiable complaints.

According to this policy, Atak Domain:

- acts as an independent intermediary,
- is not a judicial authority,
- may take technical and administrative action based on evidence provided by trademark owners.

Determining whether content or activity is unlawful is the role of authorized courts, not Atak Domain.

3. Types of Violations That May Be Reported

Complaints may be submitted in the following cases:

3.1 Trademark Infringement

- misuse of a registered trademark within a domain name
- use of brand elements in a misleading manner
- phishing or brand impersonation
- misuse of trademarks in premium domain brokerage

3.2 Copyright Infringement

- unauthorized hosting of copyrighted works
 - distribution of copyrighted software, images, videos, text, music
- (Handled additionally under the DMCA Policy)

3.3 Counterfeit / Fake Products

- selling fake products under a brand name
- impersonating a legitimate company

3.4 Misuse of Personal or Corporate Names

- bad-faith registration of a famous name or company (cybersquatting)

3.5 Unauthorized Use of Logos, Trade Names, or Protected Materials

- hosting brand logos, visual assets, or protected designs without permission

4. Complaint Mechanism: How to Submit a Report

All reports must be sent to:

hukuk@atakdomain.com and domain@apiname.com

Required documents:

- email explanation of the complaint
- evidence materials
- registered trademark certificate
- identity or authorization documentation

5. Mandatory Information Required for a Complaint

5.1 Identity of the Complainant

- full name or company name
- trademark or IP rights owner
- notarized power of attorney if submitted by a representative

5.2 Information About the Violated Right

- trademark registration number
- jurisdiction/country
- registered mark, logo, or product name

5.3 Details of the Infringing Domain or Service

- exact domain name
- related services (hosting, mail, DNS, etc.)

5.4 Evidence of Violation

- screenshots
- URLs
- Whois data
- examples of impersonation
- evidence showing consumer confusion

5.5 Requested Action

- removal of infringing content
- domain suspension
- hosting service deactivation
- domain transfer lock
- domain transfer to the trademark owner (requires UDRP process)

6. Evaluation Process

6.1 Preliminary Review

- verification of documents
- verification of trademark ownership
- assessment of whether the violation is evident

6.2 Customer Notification

Atak Domain may notify the customer without revealing the complainant's identity.

In severe cases, action may be taken without prior notice, including:

- phishing
- brand impersonation
- fake product sales
- financial fraud
- child exploitation
- content threatening public safety

6.3 Possible Actions

- requesting content removal
- suspending domain or hosting
- disabling DNS
- freezing Whois data
- opening an abuse ticket
- reporting to law enforcement when necessary

7. Domain Transfer Requests

Atak Domain does not transfer a domain directly to a trademark owner.

Transfers are only performed through:

- UDRP (WIPO / NAF)
- URS (fast-track process)
- court order
- mutual agreement between parties

Atak Domain enforces decisions but does not issue them.

8. Indicators of Bad Faith (Aligned with ICANN UDRP 4(b))

- domain clearly registered to resemble a trademark
- domain listed for sale at an unreasonably high price
- using domain to threaten or extort the trademark owner
- redirecting traffic or creating fake websites
- impersonating customer support
- profiting from brand reputation

9. Possible Actions by Atak Domain

If:

- content is not removed despite warnings
- documents are fraudulent
- severe abuse is detected

Atak Domain may:

- suspend the domain (clientHold)

- disable DNS resolution
- terminate hosting services
- disable API access
- permanently ban the customer
- immediately enforce UDRP decisions

10. Measures Against Abuse of This Policy

If a party:

- attempts to shut down a competitor,
- acts with unfair competition motivations,
- submits fake or baseless trademark claims,

Atak Domain may:

- reject the complaint,
- place the account under review,
- report the party to relevant authorities.

11. Legal Requirements and Court Orders

Atak Domain may take technical action on domains or content in accordance with:

- court orders
- prosecutor requests
- international judicial assistance requests
- ICANN obligations

12. Disclaimer of Liability

Atak Domain:

- does not guarantee the legality of user-generated content,
- is not liable for legal consequences of rights violations,
- does not act as a party in commercial or trademark disputes between third parties.

13. Contact Information

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