



Brussels, 26 May 2020  
REV2 – replaces the notice (REV1) dated  
18 July 2019

## **NOTICE TO STAKEHOLDERS**

### **WITHDRAWAL OF THE UNITED KINGDOM AND EU RULES IN THE FIELD OF .EU DOMAIN NAMES**

Since 1 February 2020, the United Kingdom has withdrawn from the European Union and has become a “third country”.<sup>1</sup> The Withdrawal Agreement<sup>2</sup> provides for a transition period ending on 31 December 2020.<sup>3</sup> Until that date, EU law in its entirety applies to and in the United Kingdom.<sup>4</sup>

During the transition period, the EU and the United Kingdom will negotiate an agreement on a new partnership, providing notably for a free trade area. However, it is not certain whether such an agreement will be concluded and will enter into force at the end of the transition period. In any event, such an agreement would create a relationship which in terms of market access conditions will be very different from the United Kingdom’s participation in the internal market,<sup>5</sup> in the EU Customs Union, and in the VAT and excise duty area.

Moreover, after the end of the transition period the United Kingdom will be a third country as regards the implementation and application of EU law in the EU Member States.

Therefore, all interested parties, and especially economic operators, are reminded of the legal situation after the end of the transition period.

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<sup>1</sup> A third country is a country not member of the EU.

<sup>2</sup> Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, OJ L 29, 31.1.2020, p. 7 (“Withdrawal Agreement”).

<sup>3</sup> The transition period may, before 1 July 2020, be extended once for up to 1 or 2 years (Article 132(1) of the Withdrawal Agreement). The UK government has so far ruled out such an extension.

<sup>4</sup> Subject to certain exceptions provided for in Article 127 of the Withdrawal Agreement, none of which is relevant in the context of this notice.

<sup>5</sup> In particular, a free trade agreement does not provide for internal market concepts (in the area of goods and services) such as mutual recognition, the “country of origin principle”, and harmonisation. Nor does a free trade agreement remove customs formalities and controls, including those concerning the origin of goods and their input, as well as prohibitions and restrictions for imports and exports.

**Advice to stakeholders:**

To address the consequences set out in this notice, stakeholders concerned are in particular advised to:

- assess whether they are/remain eligible to hold a .eu domain name after the end of the transition period if they reside/are established in the United Kingdom and, if so, take the appropriate measures.
- assess whether the agreements between registrants and registrars of .eu domain names comply with the conditions laid down by EU law

After the end of the transition period, the EU rules in the field of .eu Top Level Domain, and in particular 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,<sup>6 7</sup> no longer apply to the United Kingdom. This has in particular the following consequences:

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

According to Article 4(2)(b) of Regulation (EC) No 733/2002, as amended by Regulation (EU) 2019/517, as of 19 October 2019 the following persons, undertakings and organisations are eligible to register .eu domain names:

- (i) a Union citizen, independently of their place of residence;
- (ii) a natural person who is not a Union citizen and who is a resident of a Member State;
- (iii) an undertaking that is established in the Union; or
- (iv) an organisation that is established in the Union, without prejudice to the application of national law.

After the end of the transition period, *undertakings* and *organisations* that are established in the United Kingdom but not in the EU and *third country nationals* (i.e. non-EU citizens) 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 end of the transition period.

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.

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<sup>6</sup> OJ L 113, 30.4.2002, p. 1.

<sup>7</sup> Please note that Article 4(2) of Regulation (EC) No 733/2002 is amended, with effect of 19 October 2019, by Regulation (EU) 2019/517 of the European Parliament and of the Council of 19 March 2019 on the implementation and functioning of the .eu top-level domain name and amending and repealing Regulation (EC) No 733/2002 and repealing Commission Regulation (EC) No 874/2004, OJ L 91, 29.3.2019, p. 25.

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

Where, after the end of the transition period 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 the first paragraph of Article 20 of Commission Regulation (EC) No 874/2004.<sup>8</sup>

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

According to Article 21(1) of Regulation (EC) 874/2004, a registered domain name is 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.

After the end of the transition period, rights recognised or established by the United Kingdom, but not by EU Member States or by the Union, can no longer be invoked in procedures under Article 21(1) of Regulation (EC) 874/2004. By contrast, rights recognised by the EU 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 the first paragraph of Article 5 of 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 the first paragraph of Article 5 of Regulation (EC) No 874/2004 after the end of the transition period.

The website of the Commission on 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 concerning

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<sup>8</sup> 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).

EU legislation applicable to Top Level Domain .eu.. These pages will be updated with further information, where necessary.

European Commission

Directorate-General for Communications Networks, Content and Technology