

DOCUMENT FOR ccTLD WORKSHOP

Source: Norway
Title: Draft Regulations for the assignment of domain names under country code top level domains (the Domain Regulations)

Section 1 Purpose

The purpose of these Regulations is to set the public law framework conditions for any agency that assigns domain names under Norwegian country code top level domains.

Section 2 Definitions

The following definitions apply for the purpose of these Regulations:

- a) *Country code top level domains*: the uppermost domain in the hierarchy of the global domain name system according to 2-letter codes under the ISO 3166-1 standard.
- b) *Registration unit*: agency that by agreement with the international manager of top level domains is entitled to assign domain names under Norwegian country code top level domains.
- c) *Registrar*: an enterprise that has made an agreement with a registration unit for the right to send in applications and notices of alteration to the registration unit on behalf of applicants for/holders of domains under the Norwegian country code top level domains.
- d) *Domain Dispute Resolution Board*: a board for handling complaints and disputes regarding domain names under the Norwegian country code top level domains.
- e) *Registered Data*: data regarding the applicant and applicant's enterprise required in connection with applications and notices of alterations.

Section 3 Rules for assignment of domain names

Every Norwegian country code top level domains is administrated by only one registration unit which determines rules for the assignment of domain names (name policy) for the respective country code top level.

The registration unit does not exercise public administrative authority and the assignments are being given according the rules of private law.

The assignment rules shall be available to the general public and as a minimum be formulated in a way that they:

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- a) ensure cost-effectiveness,
- b) ensure high technical quality,
- c) are non-discriminatory,
- d) are open for inspection,
- e) promote predictability,
- f) promote the interests of Internet users, individually and as a group, and
- g) promote national interests and take into consideration the international development of the Internet.

Before assignment rules are adopted or altered, opinions shall be obtained from representatives of the users and the authorities. The Norwegian Post and Telecommunications Authority shall be informed about all alterations.

Section 4 Personal affirmation

The registration unit shall demand that applicants for registration of domain names under the Norwegian country code top level domains give a statement which includes a personal affirmation that the registration and use of the applied name which is registered:

- a) is not contrary to the assignment rules, cf. section 3,
- b) is not contrary to Norwegian law,
- c) does not conflict with the rights of a third party,
- d) does not unlawfully give the impression of pertaining to public administration or the exercise of public powers

The registration unit will provide a personal affirmation from the applicant containing consent to the provision that

- a) disputes shall be dealt with by a domain dispute resolution board, cf. section 7,
- b) the registration unit shall be able to withdraw an assigned domain name in case it is obvious that the assignment is in contrary to the first section.

The contract between the registration unit and the applicant shall include clauses which limit the registration unit's use of the registered data in connection with registration and maintaining the domain name.

Section 5 Registrars

The registration unit shall delegate parts of the registration process, including forwarding of applications and alteration notices on behalf of applicants for and holders of domain names, to the registrars and shall encourage competition between them by granting all registrars the same terms.

Section 6 Back-up copies

The registration unit shall ensure necessary security copies of all registered data. Security copies shall be handled in a secure way so that no user suffers any unnecessary loss or damage.

Section 7 Complaints procedures

The registration unit is obliged to establish a dispute resolution board with three to six members. In case there are several registration units, a mutual dispute resolution board should be established.

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The dispute resolution board will have the authority to deal with complaints :

- a) from the applicant concerning the decisions of the registration unit,
- b) from the registration unit if the name is registered in contrary to the personal affirmation, cf. section 4 first paragraph,
- c) from a third party, cf. section 4, first paragraph, subsection c,
- d) from a public body, cf. section 4, first paragraph, subsection d, and
- f) from the Norwegian Post and Telecommunications Authority claiming that the domain name is registered in contrary to this regulation.

The dispute resolution board shall be given opportunity to refuse a complaint in accordance to further determined rules.

The registration unit is obliged to accomplish the decision of the dispute resolution board immediately.

The registration unit shall insure that the domain name can not be transferred while the case is being handled by the dispute resolution board, court or if mediation is requested. The prohibition is in force as long as the time of appeal runs.

The registration unit may finance the dispute resolution board through a reasonable increase on the registration fee and a charge payable by the complainant.

The registration unit gives procedures for dispute resolution boards in line with the principles in this resolution.

The registration unit shall collect points of view from representatives of the users and the authorities before adaptation and important alterations of the assignment rules, financing and before committees members are appointed. The Norwegian Post and Telecommunications Authority shall be informed about all alterations of the assignment rules.

The dispute resolution board's decisions are public, with the exception of information concerning technical appliances and procedures together with management- and business-conditions of importance for competition to keep it secret in regard to the organisation the information has reference to.

Section 8 Time limit for appeals

The time limit for lodging an appeal shall be one month from the date on which notification of the decision has reached the applicant. The time limit for an appeal for other persons shall expire not later than three years from the date on which the domain name registration was made.

Section 9 Supervision and control

The Norwegian Post and Telecommunications Authority shall supervise compliance with the provisions of this regulation, according to section 7-1 of the Telecommunications Act.

If a registration unit fails to fulfill the requirements in these regulations, the Norwegian Post and Telecommunications Authority may order to adjust the unlawful situation, or that the activities shall stop, within a specified time limit, cf. section 7-4 of the Telecommunications Act.

Section 10 Winding up

In case of winding up its activities the registration unit shall prepare for the continuation of the registration activities, to the largest possible extent as before. The registration unit shall ensure

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transfer of all registration data to a new registration unit which fulfils the requirements of this regulation. If no enterprise which fulfils the qualifications exists at the time of winding up, the Norwegian Post and Telecommunications Authority shall take over the tasks of the registration unit until a new registration unit is established.

The Norwegian Post and Telecommunications Authority can decide whether operations in the interim period shall take place in accordance with the rules of the registration unit being wound up, cf. section 3, and the rules concerning the dispute resolution board, cf. section 7, or whether new rules shall be adopted. In the interim period, the Norwegian Post and Telecommunications Authority is bound by these regulations as long as it is appropriate.

Section 11 Dispensation

The Norwegian Post and Telecommunications Authority may exempt from the provisions in these Regulations if special reasons justify it.

Section 12 Sanctions

The Norwegian Post and Telecommunications Authority may impose enforcement fines according to section 10-3 of the Telecommunications Act.

Infringements of the Regulations are subject to penalty pursuant to section 10-4 of the Telecommunications Act.

Section 13 Entry into force

These Regulations enter into force with immediate effect.
