

Workshop on Member States' experiences with ccTLD

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**DOCUMENT FOR ccTLD WORKSHOP**

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

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**Note:**

*This document includes a working group proposal, subject to changes.*

*After formal approval, expected to be issued by the Ministry of Transport and Communications by virtue of the Norwegian Telecommunications Act, sections 3-2 and section 7-1, third paragraph, cf. section 5.*

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**Section 1 Purpose**

The purpose of these Regulations is to set the public law framework conditions for an agency that assigns domain names under 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 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 Complaints Board:* a board for handling complaints regarding domain names under the 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.

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### **Section 3 Rules for assigning domain names**

Rules for the assignment of domain names (name policy) under their respective country code top level domains shall be drawn up by the registration units.

The assignment rules shall be available to the general public and at a minimum shall be so designed that they:

- a) ensure high technical quality
- b) are non-discriminatory
- c) are open to inspection
- d) promote predictability
- e) promote protection of personal data and consumer interests
- f) promote the interests of Internet users, individually and as a group, and
- g) promote national interests and allow for international developments in the Internet.

Before assignment rules are adopted or altered, opinions shall be obtained from representatives of the users and from the Norwegian Post and Telecommunications Authority.

### **Section 4 Personal affirmation**

Registration units shall require applicants for registration of domain names under the Norwegian country code top level domains to furnish a personal statement affirming as a minimum that registration and use of the name applied for:

- 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 unrightfully give the impression of pertaining to public administration or the exercise of public powers

In this personal affirmation the applicant shall grant the registration unit the right to recall the assigned domain name if it is obvious that the assignment was contrary to the first paragraph.

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

### **Section 5 Registrars**

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

### **Section 6 Back-up copies**

The registration units shall ensure that copies are kept of all registered data.

### **Section 7 Complaints procedures**

Registration units shall establish a domain complaints board comprising at least three members. Two or more registration units may cooperate on one board.

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The complaints boards may handle complaints:

- a) against decisions passed by the registration units on applications for assignment of a domain name
- b) against decisions passed by the registration units under the second paragraph of section 4 of the Regulations
- c) from registration units that a name has been registered in contravention of a personal affirmation
- d) from a third party, cf. section 4, first paragraph, subsection c)
- e) from a public agency, cf. section 4, first paragraph, subsection d)
- f) from the Norwegian Post and Telecommunications Authority claiming that registration of the domain name is contrary to the rules

Complaints under subsection e) in the second paragraph above must be filed no later than three months after the domain name is registered.

Opinions returned by the complaints board on complaints under subsection a) above, shall be binding for the registration unit. Opinions returned by the board on complaints under subsections b) through f) shall be advisory.

The domain complaints board may be financed through an addition to the charge for registering the domain name and a charge payable by the complainant.

The registration units shall define procedures for the complaints board in keeping with the above rules. Board decisions shall be open to the public, except in matters corresponding to those covered by section 13 of the Public Administration Act.

### **Section 8 Supervision and control**

Supervision to ensure compliance with these regulations shall be exercised by the Norwegian Post and Telecommunications Authority, cf. section 7-1 of the Telecommunications Act.

If a registration unit fails to satisfy the requirements of these regulations, the Norwegian Post and Telecommunications Authority may order it to remedy the unlawful conditions or may order operations to cease within a specified time limit, cf. section 7-4 of the Telecommunications Act.

### **Section 9 Winding up**

When a registration unit winds up its registration activities, whether voluntarily or by order pursuant to the second paragraph of section 8 above, or for other reasons, all registered data shall be transferred to a new registration unit.

If no enterprise exists at the time of winding up that satisfies the conditions in the first paragraph, the registration unit's duties may be taken over by the Norwegian Post and Telecommunications Authority until a new registration unit is established.

The Norwegian Post and Telecommunications Authority shall 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 complaints agency, 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 wherever applicable.

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In cases such as mentioned in the second paragraph, the Norwegian Post and Telecommunications Authority shall take over the registered data free of charge and shall in turn transfer these data to the new registration unit free of charge.

**Section 10 Dispensation**

The Norwegian Post and Telecommunications Authority may grant dispensation from the rules in these Regulations when special circumstances so dictate.

**Section 11 Sanctions**

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

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

**Section 12 Entry into force**

These Regulations enter into force with immediate effect.

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