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FINAL REPORT OF THE
MULTISECTOR CCTLD <.PE> DOMAIN NAMES COMMITTEE

Ministry of Foreign Affairs of Peru
[*Ministerio de Relaciones Exteriores del Perú*]
(MFA)

Ministry of Industry, Tourism, Integration and International Trade Negotiations
[*Ministerio de Industria, Turismo, Integración y Negociaciones Comerciales Internacionales*]
(MITINCI)

Ministry of Transport and Communications
[*Ministerio de Transportes y Comunicaciones*]
(MTC)

Supervisory Agency for Private Investment in the Telecommunication Sector
[*Organismo Supervisor de la Inversión Privada en Telecomunicaciones*]
(OSIPTEL)

National Administration to Foster Competition and Safeguard Intellectual Property
[*Instituto Nacional de Defensa de la Competencia y de la Protección de la Propiedad Intelectual*]
(INDECOPI)

To: The Chairman of the Council of Ministers
        The Minister of Foreign Affairs
        The Minister of Transport and Communications
        The Minister of Trade and Tourism
        Members of the Working Groups of the Multisector ccTLD <.pe> Domain Names
        Committee
        Members of the national Internet community

It has become clear to the Government that there is a need for the State to play a proactive role in regard to information, communication and knowledge technologies, the Internet and especially the country code top-level domain for Peru (the ccTLD <.pe>). Accordingly, together with the private sector, the academic community and the national Internet community, the State is participating in the process of technological development now under way within the country, and particularly in the area of ICTs, by facilitating the development of a policy that is comprehensive, rooted in consensus and coordinated with Peruvian players concerned with domain name issues.

Moreover, owing to the general public interest concerning the ccTLD <.pe>, the Government of Peru, as the ultimate representative of the nation's interests in connection with the <.pe> country code, has called upon civil society and the private sector as the key engines of national development, and upon domain name owners, other players and direct beneficiaries of the system to take part in a national debate on the ccTLD <.pe>, so that collectively they may develop policies and guidelines with respect to the Peruvian Domain Name System.

For this purpose, the Multisector ccTLD <.pe> Domain Names Committee was established pursuant to Supreme Resolution 292-2001-RE, to develop policies and guidelines for administering the ccTLD <.pe>, and to bring together and coordinate the various players and representatives of the national Internet community, including civil society, the private sector, the academic community and domain name owners.

Having completed the work entrusted to it, the Multisector Committee is pleased to present its final report, which reflects the outcome of its principal discussions and deliberations and sets out the conclusions and recommendations that should be implemented in connection with the Peruvian Domain Name System.

For the Multisector ccTLD <.pe> Domain Names Committee:

Teresa Mera	Chairman
Alejandro Riveros	Members
Allan Angell	
Flavio Ausejo	
María Ochoa	
Martín Moscoso	
Pabel Camero	

This report has been prepared on the basis of the deliberations of the members of the Multisector Committee, and of the members of the working groups on institutional structure, administrative policies and guidelines, dispute resolution policy and the selling of ccTLD <.pe> domain names. Without their efforts this report would not have been possible.

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out by the Multisector ccTLD <.pe> Domain Names Committee**

1.1   Background on the ccTLD <.pe> administrator

The Peruvian Science Network (RCP) is a non-profit association established for the purpose of
fostering the non-commercial exchange of information and promoting the use and expansion of
channels of communication between and among Peruvian organizations concerned with science,
education and national development, bringing those organizations together within a nationwide
network which is in turn connected to similar networks in other countries.

In November 1991, the Internet Assigned Numbers Authority (IANA), which is the world body
responsible for administering domains, delegated administration of the ccTLD <.pe> to RCP
pursuant to a private decision[1].

Since 1998, the body responsible for administering domains has been the Internet Corporation for
Assigned Names and Numbers (ICANN), a private non-profit corporation established in the United
States of America (in Los Angeles County, California). ICANN has absorbed IANA into its
organizational structure and has assigned a number of technical functions to it[2].

Since November 1991, RCP has been the administrator of ccTLD <.pe>.

**1.2   Chronological overview of activities carried out by the Multisector ccTLD <.pe>
Domain Names Committee**

•   Establishment of the Multisector ccTLD <.pe> Domain Names Committee

By Supreme Resolution 292-2001-RE issued by the Ministry of Foreign Affairs and published in
the official gazette *El Peruano* on 19 July 2001, the Multisector ccTLD <.pe> Domain Names
Committee was established for the purpose of developing policies and guidelines for the
administration of domain names within the ccTLD for Peru. It was decided that the Committee
would be made up of representatives from INDECOPI, OSIPTEL, the Ministry of Transport,
Communications, Housing and Construction, the Ministry of Industry, Tourism, Integration and
International Trade Negotiations, and the Ministry of Foreign Affairs. With a view to assuring
transparency and securing the participation of all players involved in developing policies and
guidelines in this area, the Multisector Committee invited civil society and the private sector join in
its work.

Once all its members had been appointed, the Multisector Committee commenced operation on
22 August 2001.

On 14 December 2001, Supreme Resolution 548-2001-RE was published in the official gazette
El Peruano, which abrogated sections 1, 2 and 6 of Supreme Resolution 292-2001-RE and extended
the time period allowed for the Multisector Committee to complete its tasks.

Since it was set up, the Multisector ccTLD <.pe> Domain Names Committee has carried out the
following activities.

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[1] See <http://www.iana.org/root-whois/pe.htm>.

[2] See the memorandum of understanding concerning the technical work of the Internet Assigned
Numbers Authority at <http://icann.org/general/ietf-icann-mou-01mar00.htm>.

1.2.1   Attendance at the tenth meeting of ICANN

ICANN held its tenth meeting in Montevideo, Uruguay, from 7 to 10 September 2001, in conjunction with a series of parallel meetings of the Government Advisory Committee (GAC) and other ICANN support bodies and committees. Because this meeting brought together representatives from the public and private sectors involved in developing domain names worldwide, the Multisector Committee considered it critically important that some of its members be present. Accordingly, the representatives from INDECOPI, the Ministry of Foreign Affairs and the Ministry of Transport, Communications, Housing and Construction attended the meeting, chiefly for the purpose of letting the international Internet community as represented by ICANN know about the Government of Peru's positive intentions in issuing Supreme Resolution 292-2001-RE. Meetings were held with senior ICANN officials to inform them of the Peruvian Government's objectives in inviting the country's Internet community, including the Peruvian Science Network (RCP) as administrator of the ccTLD <.pe>, to participate in discussing and adopting the most appropriate policies for administering the ccTLD domain name for Peru, within a framework of consensus-building and transparency.

1.2.2   Engagement of the national Internet community

In exercise of the powers granted to it, the Multisector Committee extended an invitation to the national Internet community - understood as consisting of all Internet service providers, companies and portals providing Peruvian Internet content, telecommunication firms, professional law offices specializing in Internet-related issues, user groups, academics having particular expertise in Internet-related issues and the use of ICTs, educational institutions, and RCP (the ccTLD <.pe> administrator) - to take part in the process.

On 21 November 2001, the Multisector ccTLD <.pe> Domain Names Committee organized a meeting with players from throughout the country, to invite them to take part in the process. It was attended by more than 50 representatives from various organizations both within Peru and abroad, among them:

•   12 professional law offices concerned with issues of intellectual property, domain names and the Internet;

•   8 Internet service providers;

•   4 institutions of higher learning;

•   4 professional associations concerned with information-technology law and ICTs;

•   3 telecommunication operators;

•   3 organizations concerned with the Internet and e-commerce;

•   3 portals providing Peruvian content;

•   2 representatives of organizations having particular interest in issues of information-technology law;

•   5 Peruvian specialists in the areas of domain names and information-technology law;

•   1 association of information-technology users.

The meeting served as a forum for presenting information on the objectives of the Multisector Committee and its work programme, focusing on the desire to promote participation on the part of all Peruvian players that might be concerned, together with RCP, and to encourage open discussion so that a consensus might be forged, the fundamental consideration being to benefit the national Internet community. At the same time, the Multisector Committee emphasized that it was striving to develop the most suitable guidelines and policies to govern the Peruvian Domain Name System so that the necessary legal provisions might be implemented to give effect to them nationwide.

In addition, the Multisector Committee announced the formation of four working groups (on institutional structure, administrative policies and guidelines, dispute resolution policy and the selling of domain names) which would serve as forums for discussion, and invited all those in attendance at the meeting to become engaged in the process so that they might together deliberate on the policies and guidelines to be put in place with a view to consolidating and strengthening the Peruvian Domain Name System, and do so within a framework of transparency and competence, striving for a consensus from amongst the various positions put forward in the working groups' meetings, to the ultimate benefit of the national Internet community.

1.2.3   Working group structure

In support of its objectives, the Multisector Committee decided to set up four working groups, each of which would have representation from both the public and private sectors and be chaired by one of its members. The four groups were concerned with the following areas: institutional structure, administrative policies and guidelines, dispute resolution policy and selling of domain names. Thanks to the establishment of these working groups, the various issues involved could be examined with a view to reaching a consensus as to the guidelines and principles which would govern the Peruvian Domain Name System, by bringing together the points of view of the various players involved and ensuring that the prime focus would be on seeking the best possible way to run the system.

The working groups were concerned with the following subject areas:

•   Working group on institutional structure: Organization and functioning of the Peruvian Domain Name System and of the bodies making it up; and the organizational structure and make-up of the Policy Board [*Consejo de Políticas*] and the rules and regulations governing its operation, together with a proposal to incorporate it as a juristic person.

•   Working group on administrative policies and guidelines: Review of existing administrative policies in light of international trends in the area, with a view to making the domain registration process faster and more flexible and introducing legal and technical safeguards, all with a view to maximizing the benefit to the user.

•   Working group on dispute resolution policy: Policies with respect to the system for presenting objections to the registration of domain names at the second level of review; the structure and organization of the dispute resolution system at the first and sole administrative level; the situation of the parties insofar as being subject to the administrative dispute resolution process is concerned, protected rights, bad faith, etc.

•   Working group on the selling of domain names: General guidelines for the development of procedures for the selling of ccTLD <.pe> domain names within a framework of transparency and open and fair competition, including a suitable user protection policy; and a proposal covering the accreditation of sellers, accreditation requirements and other matters relating to the selling of domain names.

The Peruvian Domain Name System

Overview

The Peruvian Domain Name System will be made up of all the organizations concerned with the ccTLD <.pe>. The system will aim to secure proactive participation by the State, the private sector, organizations that market domain names, organizations that specialize in dispute resolution, domain owners, the national Internet community and the general population, together with the administrator, in order to discuss and establish the most appropriate policies for administering the ccTLD <.pe> domain name on behalf of the common interest.

Worldwide trends in this area have been taken into account in the work that has carried out. Of particular note in this connection is the recognition by ICANN of the inherent public interest in country domain names as expressed in the principles for the assignment and administration of country-code top-level domains developed by ICANN's Governmental Advisory Committee, RFC 1591 on the principles of domain name system structure and delegation, and ICP-1 prepared by IANA on Internet domain name system structure and delegation. The experience of various other countries, particularly Canada and Australia, has also be taken into consideration.

In this context, the Peruvian Domain Name System must bring together all those players having any direct or indirect involvement with ccTLD <.pe> domain names, and develop and periodically revise the policies on administration, the selling of domain names and dispute resolution. The fact that the Internet is continually evolving makes it essential for there to be a forum where ways to respond to these changing circumstances can be discussed, so that new measures and procedures can be adopted where necessary. However, this means that the Peruvian Domain Name System has to be given an appropriate organizational structure which will ensure that it is legitimate and sustainable, and that it can continue in operation over the long term. Consequently, it is vitally important to assure the compatibility, stability and proper operation of the technical system for ccTLD <.pe> domain names. Moreover, given the existence of ICANN and other world bodies concerned with domain names, it is appropriate that the views of the various members of the Peruvian Domain Name System be coordinated so that a common Peruvian position may be put forward in those forums.

Thus, the Peruvian Domain Name System will consist of the Policy Board, the administrator, dispute resolution bodies, sellers of domain names, domain owners and the national Internet community.

2 The Peruvian Domain Name System

2.1 Mission

To ensure that the Peruvian Domain Name System for the ccTLD <.pe> is implemented according to the interests of the national Internet community.

2.2 General principles

- ccTLD <.pe> domain names are a matter of public interest.

- Participation is necessary on the part of the private sector as an engine of investment and development.

- Participation in the Peruvian Domain Name System is necessary on the part of ccTLD <.pe> domain name owners and the national Internet community.

- Participation is necessary on the part of the State as the leading sponsor of the Peruvian Domain Name System.

2.3   General functions

The Peruvian Domain Name System will provide for the following general functions to be carried out:

•   developing and revising policies and guidelines for the administration of the ccTLD <.pe>;

•   incorporating representatives of the national Internet community within the Peruvian Domain Name System;

•   ensuring that the ccTLD <.pe> is administered in a way that is transparent, unbiased and non-discriminatory;

•   establishing mechanisms for settling disputes between domain owners and outside parties, and between outside parties and the administrator of the ccTLD <.pe>;

•   ensuring that the selling of ccTLD <.pe> domain names is conducted on the basis of open, fair competition;

•   assuring the compatibility of the system for administering the ccTLD <.pe> at the international level;

•   assuring the stability and smooth running of the system for administering the ccTLD <.pe> in accordance with international standards;

•   promoting and encouraging the use by the general public of ccTLD <.pe> domain names;

•   coordinating the official representation of the Peruvian Domain Name System at the national and international levels.

2.4   Composition

The Peruvian Domain Name System will consist of:

•   the Peruvian Domain Name System Policy Board;

•   ccTLD <.pe> dispute resolution bodies;

•   the administrator of the ccTLD <.pe>;

•   sellers of ccTLD <.pe> domain names;

•   users of ccTLD <.pe> domain names, and the national Internet community.

The Policy Board of the Peruvian Domain Name System

Overview

Given that the Peruvian Domain Name System will encompass a broad spectrum of organizations, there will be a need for a body within the system to establish and revise policies for administering ccTLD <.pe> domain names on a continuing basis and to perform other functions relating to the system.

For that reason, the Policy Board will be established as the governing body of the Peruvian Domain Name System, to be made up of representatives of the various players concerned: civil society, the State, users, providers of telecommunication services, sellers of domain names, dispute resolution bodies and the administrator.

One of the Policy Board's main functions will be to ensure that activities relating to the Peruvian Domain Name System are carried out in accordance with the interests of the national Internet community, and to that end the Board will be expected to develop and revise policies for the

administration of ccTLD <.pe> domain names, taking account of international trends in the field. Indeed, this is a matter now under review around the world, which is why the policies established will need to be adapted to global trends as well as to the Peruvian reality.

In addition, it is important that the Policy Board coordinate the participation of the Peruvian Domain Name System in national and international forums, putting forward a common position reached through consensus. Likewise, the Policy Board should hold at least one meeting of the national Internet community every year for the purpose of conducting a comprehensive review of policies relating to the administration of the ccTLD <.pe>, the settlement of disputes and the selling of domain names, with users being offered alternative means of direct participation in addition to working through their representatives on the Policy Board.

It is also vitally important to promote the use of ccTLD <.pe> domain names nationwide. The main objective here is to provide the local community with better service, which can be better achieved if people make greater use of new technologies and the Internet as tools for personal, economic or social development.

So that the Policy Board can begin its work and carry out the tasks assigned to it, its organizational structure and make-up will need to be determined and the rules and regulations governing its operation will need to be put in place. It should have a diverse membership, and its structure and functions should be laid down pursuant to a legal provision, so as to establish its authority and ensure that the policies it develops will be duly implemented. That legal provision will also have to set out procedures for selecting the Policy Board's members and its chairman, together with their duties and responsibilities. In this connection, it is essential to foster an organizational spirit, particularly amongst users and the national Internet community, so that each member of the Policy Board will properly represent the interests of those persons that he or she represents.

It has also been deemed advisable to establish a Technical Board whose role will be to provide the Policy Board with technical advice in matters relating to domain names, such as the administration of primary and secondary domain name servers, the handling of registration information, security measures to be implemented in ccTLD servers and other technical issues having to do with the administration of the ccTLD <.pe>.

The Policy Board will also be responsible for: ensuring that the ccTLD <.pe> is administered in a way that is transparent, unbiased and non-discriminatory; promoting competitive, efficient mechanisms for settling disputes relating to the ccTLD <.pe>; and promoting mechanisms to ensure that the selling of ccTLD <.pe> domain names is conducted on the basis of open, fair competition.

3   The Policy Board of the Peruvian Domain Name System

The Policy Board will be the governing body of the Peruvian Domain Name System, responsible for developing and revising policies in regard to ccTLD <.pe> domain names. The provisions it lays down will be binding.

3.1   Incorporation as a juristic person

The Policy Board will be an agency established pursuant to a legal provision as the governing body of the Peruvian Domain Name System for the ccTLD <.pe>, with participation by the State, the private sector, the academic community, the administrator of the ccTLD <.pe> and representatives of the national Internet community.

The Policy Board's organizational structure and functions will be set out pursuant to a legal provision along the lines described in this report, so as to establish its authority vis-à-vis the organizations making up the Peruvian Domain Name System and ensure that the policies it develops will be duly implemented.

3.2 Functions

The Policy Board's main functions will be as follows:

- to ensure that activities relating to the Peruvian Domain Name System are carried out in accordance with the interests of the national Internet community;
- to develop and revise policies and guidelines for the administration of the ccTLD <.pe>, taking into account international trends in the field and acting in pursuance of the guiding mission of the Peruvian Domain Name System;
- to coordinate the participation of the Peruvian Domain Name System in national and international forums, putting forward a common position reached through consensus;
- to hold at least one meeting of the national Internet community every year for the purpose of conducting a comprehensive review of policies relating to the administration of the ccTLD <.pe>, the settlement of disputes and the selling of domain names;
- to approve the model text for agreements signed between the administrator and users of ccTLD <.pe> domain names;
- to approve the model text for agreements signed between the administrator and sellers of ccTLD <.pe> domain names;
- to approve the model text for agreements signed between sellers of ccTLD <.pe> domain names and users, if applicable;
- to accredit sellers of ccTLD <.pe> domain names, to reconsider accreditation applications in cases where accreditation is denied and to revoke accreditation for just cause;
- to accredit the administrator of the ccTLD <.pe>;
- to establish fee schedules for ccTLD <.pe> domain names;
- to promote and encourage the use by the general public of ccTLD <.pe> domain names;
- to ensure that the ccTLD <.pe> is administered in a way that is transparent, unbiased and non-discriminatory;
- to promote competitive, efficient, speedy mechanisms for settling disputes relating to the ccTLD <.pe>;
- to promote mechanisms to ensure that the selling of ccTLD <.pe> domain names is conducted on the basis of open, fair competition;
- to establish its organizational structure and the rules and regulations governing its operation.

3.3 Composition

The Policy Board will have ten members, three from government agencies and seven from non-governmental sectors as follows:

- one representative from the ccTLD <.pe> administrator;
- one representative of telecommunication services licence-holders that support Internet access services;
- one representative of sellers of ccTLD <.pe> domain names;

- one representative of Internet service providers (ISPs);
- one representative of dispute resolution bodies concerned with the ccTLD <.pe>;
- two representatives of domain name owners, one of whom must represent <.com> owners;
- three representatives from government agencies (INDECOPI, MTC and OSIPTEL).

3.4   Rules and regulations

The above-mentioned representatives and their alternates will be elected or appointed by each sector for a two-year term, and may subsequently be re-elected or reappointed for further two-year terms.

Two or more people belonging to the same business group [*grupo económico*] or financial-services group [*conglomerado financiero*] may not serve simultaneously as members or representatives on the Policy Board even if they have been elected by different sectors. The terms "business group" and "financial-services group" will be understood to have the meanings established in the relevant legislation.

Each member of the Policy Board will act on behalf of the sector that selected him or her to be its representative on the Board, rather than in his or her own name, and accordingly the views and decisions of Policy Board members will be issued in the name of the sectors they represent. Within 60 working days after it commences its activities, the Policy Board will adopt rules of procedure to govern its internal functioning.

In addition, the Policy Board will have a Technical Board to provide it with technical advice in matters relating to domain names. The establishment, composition, procedures and functioning of the Technical Board will be determined by the Policy Board.

3.5   Funding

The activities carried out by the Policy Board pursuant to its remit will be funded out of the proceeds from the registration and maintenance of ccTLD <.pe> domain names. The Policy Board will approve its own operating budget.

The administration of ccTLD <.pe> domain names

Overview

Within the Peruvian Domain Name System, the administrator performs the key function of keeping the system for registering ccTLD <.pe> domain names operational; and it does so in accordance with the policies and guidelines laid down by the Policy Board and the applicable legal provisions.

Insofar as domain registration and administration policies are concerned, current international practices have been adopted not only so that Peru can keep pace with global trends but also so that procedures developed elsewhere can be adapted to the benefit of current and prospective domain name owners, to give them greater flexibility in registering and modifying domains. In addition, a special effort is being made to provide expanded legal and technical safeguards by extending the degree of protection that previously existed to every sort of right which could possibly be affected. Moreover, there is a focus on stepping up activity in the buying and selling of domains, at this time when it is vitally important that transactions be carried out within the framework of this new digital economy based upon the free flow of capital.

Many of the fundamental principles that the administrator must uphold in its work of registering and administering domain names are principles that in fact it already applies, such as compliance with current legal provisions and good faith in the registration and utilization of domain names.

Additional principles that must be made part of the system include ensuring that the registration process is carried out speedily, and guaranteeing the protection of personal information about domain name owners, given that the improper use of ICTs may be a violation of constitutionally guaranteed rights to confidentiality and privacy (as in the case of unsolicited e-mail or "spam", for example). Another principle that is being applied and must continue to be applied is that of "first come, first served".

The principal functions of the administrator within this new Peruvian Domain Name System have been defined, with special attention being paid to maintaining the stability of registration systems and keeping them running smoothly, since they are the technical basis which makes it possible for the entire Peruvian system to function, and to ensuring that the country's systems are compatible with other systems at the international level, as part of the task of keeping pace with evolving trends and practices around the world. Because new bodies are being set up within the Peruvian Domain Name System, new relationships will have to be established between the administrator and sellers of domain names and dispute resolution bodies, so that the administrator becomes a wholesaler of domain names and the executing agency of decisions made by dispute resolution bodies.

Insofar as administrative rules and regulations are concerned, it is recognized that there is a need to allow users to register domain names that are longer than those that have been permitted up to now, and so the number of characters permitted in registering a domain name will be increased. In addition, consideration is being given to the possibility of establishing second-level domains, subject to a market study showing that such a change is warranted, to improve the chances of registering a name when the domain is selected.

On the other hand, certain registration limitations will be eliminated, since some of them are too broad and discretionary to be applied effectively and consequently keep many users from registering domain names. Thus, it has been agreed that the provision concerning terms that are unlawful, contrary to the public order, offensive or unpleasant sounding should be eliminated. Similarly, the provision concerning Internet protocols, names and terminology included a specific list of prohibited terms, thereby limiting its own scope of application; it has therefore been agreed that the list contained in that provision should be made non-exhaustive so that prohibited terms will not be limited to those explicitly stated in the provision but may also include any others that the administrator may wish to add. In keeping with the principle that there should be at least one additional level of redress, it has been decided that appeals with respect to decisions of this kind should be submitted to the Policy Board, thereby providing users with an enhanced safeguard.

On the subject of cancelling a domain registration, it has been concluded that the provisions referring to certain situations should be eliminated: for example, failure to pay the registration fee - since this would make it appear that the domain is reserved for a certain period of time until the fee is paid, whereas in fact no such provision exists so far as the administration of the ccTLD <.pe> is concerned - or the requirement that any domain must be used for the benefit of society. At the same time, the concept of suspending a domain would be introduced. In the event of errors or procedural flaws, a domain could be suspended for a certain length of time, and only if the problem was not corrected would the registration be cancelled. Thus, a series of increasingly severe warning measures would be established that the administrator could apply in response to certain actions on the part of the domain owner, ranging from suspension to cancellation of the registration altogether.

Lastly, the concept of transferring domains would be introduced, to allow for the possibility of changing a domain's ownership; giving effect to such a transfer of ownership would require fulfilling the requirements and procedures laid down for changes of this kind. This would mean lifting the existing prohibition on the transfer of domains, which was originally justified on the basis

of the need to prevent "cyber-squatting". Since it has become apparent that there is a need for users to be able to engage in transfers of this sort, and given that a dispute resolution body is being set up together with a system for filing challenges, the lifting of the existing prohibition is not expected to create problems; and in any case, any problems that might arise can be efficiently dealt with through the dispute resolution system.

4   Administration of the ccTLD <.pe>

The administrator is responsible for administering the ccTLD <.pe> pursuant to the policies laid down by the Policy Board of the Peruvian Domain Name System and the applicable legal provisions. There will be a single administrator of the ccTLD <.pe>, and that administrator must be accredited by the Policy Board.

4.1   Basic principles

The administration of the ccTLD <.pe>, and the administration and use of domains overall, will be governed by the following principles:

- compliance with existing laws and regulations;

- good faith in the registration and use of domain names;

- processing of applications strictly on a first-come, first-served basis;

- simple procedures for the registration of domains and other operations carried out under the aegis of the Peruvian Domain Name System;

- flexibility in the domain registration system, taking into account social, economic, technical and other factors;

- legal and technical stability of the system for registering ccTLD <.pe> domain names;

- speedy carrying out of all processes relating to the domain name registration system;

- respect for privacy and the safeguarding of personal information about domain owners;

- transparency and public disclosure on the part of the administrator with regard to all processes pertaining to ccTLD <.pe> domain names.

4.2   Main functions

The main functions of the ccTLD <.pe> administrator will be as follows:

- to administer the ccTLD <.pe> in accordance with the policies and guidelines laid down by the Peruvian Domain Name System Policy Board;

- to ensure that the system for administering the ccTLD <.pe> is compatible with international practices and procedures;

- to assure the stability and smooth operation of the system for administering the ccTLD <.pe>, in accordance with international standards;

- to present an annual report to the Policy Board on the work of the administrator in administering the ccTLD <.pe>;

- to provide the Policy Board with any information it may request in order to perform its functions;

- to propose to the Policy Board the model text for agreements signed between the administrator and sellers of ccTLD <.pe> domain names;

- to propose to the Policy Board the model text for agreements signed between the administrator and users of ccTLD <.pe> domain names;

- to make proposals to the Policy Board regarding improvements to the policies for administering the ccTLD <.pe>;

- to coordinate international representation with the Policy Board;

- to implement mechanisms to assure transparency in all its processes;

- to abide by the decisions and requirements of dispute resolution bodies, administrative bodies and judicial bodies in regard to matters relating to the registration and administration ccTLD <.pe> domains.

4.3   General provisions

As part of the process of reviewing existing domain name registration policies, some changes have been made which will be implemented following the corresponding publication period.

4.3.1   Rules of syntax

4.3.1.1   Number of characters

The minimum number of characters is one and the maximum number is 63, although it is recommended that the minimum number be set as five and the maximum number as 24.

4.3.1.2   Single-character domains

Because single-character domains are scarce, a system for auctioning them could be established depending on the Policy Board's assessment of the matter.

4.3.1.3   Creation of second-level domains

Whether second-level domains are created will depend on whether there is a demand for them on the part of users. It will be up to the Policy Board to assess the matter, approve their creation and establish appropriate mechanisms for incorporating them within the system.

4.3.2   Registration restrictions

The registration of domain names may be prohibited in the following cases:

- if the proposed domain name is identical to any top-level or second-level domain name in the ccTLD <.pe> domain name system;

- if the proposed domain name consists exclusively of a place name that refers solely and exclusively to a location in Peru;

- if the proposed domain name is identical to a protocol name, an application name or an Internet term;

- if the proposed domain name consists exclusively of a combination of names falling into the two preceding categories;

- if the proposed domain name consists exclusively of family names registered with the National Bureau of Identity Documents and Vital Statistics [*Registro Nacional de Identificación y Estado Civil*] (RENIEC).

In the foregoing cases, the administrator will reject the application to register a domain name by issuing a decision setting out the reasons for the rejection. Such a decision may be submitted to the Dispute Resolution Tribunal for review.

4.3.3 Privacy of information

Only that information which is strictly necessary to identify a domain owner will be made public. Administrative, arbitration and judicial authorities may request additional information for purposes of resolving a specific case by means of a communication setting out the reasons for the request.

4.4 Application to register a domain name

It is recommended that a user verify that his or her application to register a domain name does not violate or impinge upon any pre-existing right granted pursuant to any instrument in accordance with the applicable laws and regulations. This step is not mandatory, however,

4.5 Suspension and cancellation

4.5.1 Suspension of a domain name

- A domain name will be suspended for a period of 30 days if the annual domain maintenance fee has not been paid in full within the time period allowed, plus any extensions.

- A registration will be suspended if so ordered by a competent administrative or judicial authority or by the ccTLD <.pe> Dispute Resolution Body.

4.5.2 Cancellation of a registration

- A registration will be cancelled if, by the end of a 30-day suspension period, the outstanding fee has not been paid in full.

- A registration will be cancelled if so ordered by a competent administrative or judicial body or by the ccTLD <.pe> Dispute Resolution Body.

- A registration will be cancelled if any of the information provided to the PE-NIC domain registration service, either in the original registration application or in subsequent applications or communications, should be found to be false.

- A registration will be cancelled if the party holding the registration dies or ceases to exist.

- A registration will be cancelled if a name resolution service (configured DNS) is not maintained for the domain name requested. In such a case, notice will be sent by e-mail to the technical contact point 30 calendar days before the registration is cancelled. If the situation continues unchanged and there is no response, the registration will be cancelled on the thirty-first day following the notification.

- A registration will be cancelled if a domain is used substantially for the purpose of carrying on activities that are harmful to the operation of the Internet services of any organization worldwide.

- A registration will be cancelled if so requested by the party holding the registration. In this case, the cancellation will be carried out on the day the request is made.

4.6 Transfers

A change from the current owner of a domain name to a new owner constitutes a transfer of that domain name. A transfer of a domain name may occur in any of the following ways.

4.6.1 Transfer at the request of a domain name owner

Any owner of a domain name may transfer it to a new owner, and to do so must complete the required transfer form.

In this case, the transfer must be requested by the administrative contact point duly accredited by the party holding the registration. (If the party holding the registration and the administrative contact point are one and the same, accreditation will not be required.)

In addition, in order for the transfer to be completed, the new owner must expressly accept the registration terms and conditions by signing the corresponding registration agreement.

4.6.1.1   Transfer pursuant to a will

Transfer pursuant to a will executed following the death of a domain name owner will be deemed to constitute transfer at the request of that domain name owner. The will, when presented, will be considered to be a statement of the deceased's intentions, and accordingly the same procedure described above in section 4.6.1 will be followed.

4.6.2   Transfer pursuant to an administrative or judicial order

A transfer of a ccTLD <.pe> domain name will take place if such is ordered pursuant to a decision issued by a competent administrative authority or a definitive judgement handed down by a court. In addition, in order for the transfer to be completed, the new owner must expressly accept the registration terms and conditions by signing the corresponding registration agreement.

4.6.3   Transfer pursuant to a decision of the Dispute Resolution Body

A transfer of a ccTLD <.pe> domain name will take place if such is decided by the Dispute Resolution Body. In addition, in order for the transfer to be completed, the new owner must expressly accept the registration terms and conditions by signing the corresponding registration agreement.

4.6.4   Transfer fee

The fee for transferring a domain name will be charged to the new owner, and may not exceed the yearly maintenance fee applicable at the time the transfer takes place.

Dispute resolution bodies for the ccTLD <.pe>

Overview

The need for a specialized body that would respond quickly and surely, that was consistent in its decisions and that operated economically, to serve the dual purpose of a) reviewing challenges to the registration of domain names as a level of appeal and b) settling disputes arising out of the use of domain names has resulted in the establishment of an administrative body to be known as the Domain Name Dispute Resolution Tribunal.

The system will be based on principles to guide the way in which it is organized and operates, *inter alia*, compliance with current legal provisions, and speedy and economical processes and procedures that are available to all users.

Within the system of presenting challenges, the time periods for public notices regarding domains and for the challenge process run by the administrator have been shortened, as this procedure is considered to be well enough known in the community that the time periods in question can be shortened, thereby speeding up the process and making it more attractive to potential domain registrants and others.

In addition, an appeal level will be established to review decisions made by the administrator in regard to challenges; the decision of this appeal level with respect to cases brought before it will be definitive and not subject to further appeal. The appeal level in question will be the Dispute Resolution Tribunal, which will be established as an agency of the Peruvian Domain Name System

Policy Board and whose services will be provided at a cost low enough that all users will have access to it. The challenge stage operated by the administrator, however, will continue to be free of charge. The filing of a challenge is a measure aimed at preventing the registration, by some outside party, of a domain name that is identical to a term which may be used exclusively by its owner under Peruvian legislation, such as a trademark or other distinctive mark, or the name of a person or organization.

A procedure will also be established (as set out in an annex to this document) for hearing and settling disputes between the owner of a term and the owner of a domain. This procedure will apply in cases where a) a right exists on the part of the petitioner at the moment when the domain name being called into question is registered, b) the term to which a right is asserted and the domain name being called into question are identical or sufficiently similar to cause error or confusion on the part of users and c) the owner of the term to which a right is asserted would suffer harm if the domain name being called into question was registered. The aim in initiating this procedure is to have the registration of the domain name cancelled or to have it transferred to the petitioner.

Under this system, the bodies that are competent to hear disputes of this kind are the Dispute Resolution Tribunal and other duly authorized dispute resolution mechanisms.

Rules and regulations have been drawn up for bringing cases before the Dispute Resolution Tribunal, and adequate time limits have been established so that the parties and the Tribunal itself can carry out the necessary steps, but without allowing the process to be dragged out unnecessarily, thereby ensuring that disputes will be settled quickly.

Information about the owner of a domain name that is called into question can be accessed using the administrator's "Whois" system, which contains the minimum information necessary to identify an owner. In accordance with the Peruvian Domain Name System's policy of safeguarding personal information, full particulars concerning a domain owner may only be obtained by the Dispute Resolution Tribunal, by the duly authorized officials of other dispute resolution bodies or by administrative or judicial authorities, subject to the presentation of a written communication setting out the reasons for the request and subject to the requirement that the request must relate to a specific case before the body in question.

The rules and regulations also provide for the possibility of communications being exchanged between the parties and the Dispute Resolution Tribunal either physically or by electronic means, to ensure that parties may have access to the dispute resolution system regardless of where in the country they may be located.

Lastly, the rules and regulations provide that the decisions of dispute resolution bodies will be carried out by the administrator, and will constitute the definitive administrative resolution of the dispute.

5   Dispute resolution system

Disputes over domain names will be resolved by the Domain Name Dispute Resolution Tribunal, to be established as an administrative body within the Peruvian Domain Name System responsible for resolving any disputes that may arise in regard to the registration or use of domain names (see Annex II), although other dispute settlement mechanisms may also be used.

5.1   General principles
- Compliance with current legal provisions and with guidelines established by the Policy Board for resolving such disputes.
- Simplicity in the workings of the dispute resolution system concerned with domain names.

- Consistency in the decisions made by the dispute resolution system concerned with ccTLD <.pe> domain names.

- Speedy and economical processes in every facet of the dispute resolution system concerned with domain names.

5.2 Main functions

The main functions of the Dispute Resolution Tribunal will be as follows:

- to serve as an appeal level to review challenges to the registration of ccTLD <.pe> domain names;

- to serve as the sole level for resolving disputes concerning domain names registered with the ccTLD <.pe> administrator;

- to provide the Policy Board with any information it may request in order to perform its functions;

- to maintain an electronic archive of the domain name disputes it has handled;

- to make proposals concerning changes to policies with respect to challenges and the dispute resolution system.

5.3 The challenge system

5.3.1 Objective

The purpose of the challenge system is to avert disputes in the registration of domain names, by providing the legitimate owner of a name with an opportunity to prevent someone else from registering that name, thereby safeguarding the legitimate owner's rights.

5.3.2 Competent body

The administrator will be the first level for hearing challenges. A decision by the administrator may be appealed to the Dispute Resolution Tribunal, in which case the Tribunal's decision will be final and not subject to further appeal, and binding on the administrator.

5.3.3 General guidelines (see Annex V)

- The two parties in a challenge are a) the party that is applying to register a domain name and b) the party that owns the rights to a term identical to the proposed domain name and has owned such rights prior to the application to register the domain name.

- The challenge must be filed with the administrator, in such form as the administrator may require, during the five-day public notice period.

- The administrator communicates the challenge to the applicant, and the applicant has a period of five days to present its rebuttal.

- Once the relevant information has been communicated, the administrator (PE-NIC) has a period of five calendar days to make its decision concerning the challenge.

- Once the administrator has issued its decision, the party that was unsuccessful in the challenge has a period of three calendar days to submit an appeal. Such an appeal must be filed with the administrator, and the administrator is required to transmit the appeal to the Dispute Resolution Tribunal within two working days.

- The Dispute Resolution Tribunal has a maximum period of five working days to communicate the appeal to the other party so that it may respond, following which it has a further five-day period to make its decision, which is final and not subject to further appeal.

- The administrator is required to carry out the decision within a maximum of three calendar days.

5.4 Resolution of disputes

Any dispute arising from the registration or use of a ccTLD <.pe> domain name may be resolved by means of the corresponding dispute resolution procedure.

5.4.1 Dispute Resolution Tribunal

This is the administrative body charged with resolving disputes arising with respect to the registration of ccTLD <.pe> domain names.

5.4.2 Procedure (see Annex VI)

5.4.2.1 Parties

The two parties are a) the party that owns a domain name that is called into question and b) the party that owns the rights to a term identical to the proposed domain name or sufficiently similar to it that it might cause confusion, and has owned such rights prior to the registration of the domain name.

5.4.2.2 Bringing of a complaint

The time limit on bringing complaints is five years from the date on which a domain is registered. In bringing a complaint, a petitioner may request either that the domain name being called into question be cancelled or that it be transferred to the petitioner.

5.4.2.3 Grounds for a complaint

The grounds for a complaint must cover the following points:

- that the petitioner owns the rights to a particular name under Peruvian law, and has done so since before the registration of the domain name being called into question;
- that the name to which the petitioner owns the rights is identical or similar to the domain name being called into question and is capable of creating confusion among users;
- that the petitioner is suffering economic, moral or other harm as a result of the registration or use of the disputed domain name by the party that owns it.

5.4.2.4 Bad faith

Bad faith on the part of the domain name owner in registering or using the domain name will be taken into consideration as an aggravating factor. Bad faith must be duly proven in accordance with guidelines established for that purpose.

5.4.2.5 Information about the respondent

The respondent must be identified by means of data recorded in the administrator's "Whois" system. To obtain full particulars concerning the respondent, the petitioner may make the corresponding request to the appropriate dispute resolution body, administrative body or judicial body.

5.4.2.6 Means of communication

Either physical or electronic means of communication may be used to convey information to the parties.

5.4.2.7   Final decision

The final decision will take the form of an administrative order on which there can be no appeal to the Dispute Resolution Tribunal itself. Any appeal must be pursued through the judicial system.

5.4.2.8   Implementation of the decision

The administrator will be responsible for implementing the terms of the administrative order, as the body ultimately in charge of the administrative process for ccTLD <.pe> domain names.

5.4.2.9   Publication

Decisions may be published on a webpage specifically set up for that purpose provided that both parties give their consent. If they do not, a summary of the decision will be published that does not identify the parties or mention the domain name.

Sellers of ccTLD <.pe> domain names

Overview

As domain names have become more important, individuals, companies, organizations and even the State itself have shown great interest in registering domains that can be used to identify them on the Internet. Consequently, the number of ccTLD <.pe> domain names registered has been growing steadily, particularly since 2000.

This situation has given rise to an intermediation activity in which domains are being registered in the name of outside parties, without any kind of supervision. There is a need for this activity to be formalized, and so the concept of sellers of ccTLD <.pe> domain names is being created within the Peruvian Domain Name System. Sellers will operate within a framework of transparency and open and fair competition, including a suitable user protection policy.

The term "seller" is defined as referring to a natural or juristic person accredited with the Peruvian Domain Name System Policy Board for the purpose of selling ccTLD <.pe> domain names. In order to be accredited, a seller must meet certain requirements, adhere to the guidelines and policies established by the Policy Board and comply with current legal provisions.

It should be pointed out that the work of domain name sellers will be essential in promoting and encouraging the use of ccTLD <.pe> domain names throughout the country. In addition, they will be required to set up appropriate mechanisms for giving guidance to users and furnishing any information that may be requested from them so that administrative and other entities may perform their functions. To achieve this objective, policies and guidelines will need to be established for including domain name sellers within the Peruvian Domain Name System.

The Policy Board will be responsible for approving the model text for agreements signed between the administrator and sellers of domain names, accrediting sellers of domain names, reconsidering applications for accreditation in cases where accreditation is denied, revoking accreditation for just cause and establishing the applicable fee schedules.

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6   Sellers of ccTLD <.pe> domain names

Sellers of domain names will be defined as natural or juristic persons accredited with the Peruvian Domain Name System Policy Board for the purpose of selling ccTLD <.pe> domain names.

6.1 Selling of domain names

The selling of ccTLD <.pe> domain names will be carried on within a framework of transparency and open competition, including a suitable user protection policy. The work of domain name sellers will be essential in promoting and encouraging the use of ccTLD <.pe> domain names.

6.2 Specific functions

The main functions of sellers of ccTLD <.pe> domain names will be as follows:

• to sell ccTLD <.pe> domain names in accordance with the guidelines and policies established by the Policy Board and the applicable national legal provisions;

• to provide the Policy Board, dispute resolution bodies, the administrator of the ccTLD <.pe>, and other administrative and judicial authorities with any information they may request in order to perform their functions;

• to set up appropriate mechanisms for giving guidance to users;

• any other functions as determined by the Policy Board.

6.3 Accreditation of sellers of domain names

Accreditation as a seller of ccTLD <.pe> domain names will be granted by the Policy Board of the Peruvian Domain Name System, subject to the following requirements being met:

• The applicant must submit an application for accreditation.

• The applicant must have a technical system that includes the following:

    – a permanent Internet connection;

    – a security system for files and records;

    – a records handling system that retains copies of all transactions, correspondence and communications pertaining to each domain owner during the term of the agreement with the domain owner and for at least four years following the winding-up of the contractual relationship between the domain name seller and the end-user.

• The applicant must have a user protection policy and procedures that are swift and streamlined.

• The applicant must have suitable facilities.

6.4 Application for accreditation

An application for accreditation as a seller of ccTLD <.pe> domain names must be drawn up in an official language of Peru, must be submitted to the Policy Board and must include the following information and documents:

• the applicant's name;

• a copy of the applicant's identity document if the applicant is a natural person, or of the applicant's official record of incorporation if the applicant is a juristic person;

• the applicant's legal domicile;

• the name of the applicant's legal representative;

• e-mail address, and telephone or fax number;

• the name, address, telephone number, e-mail address and identity document particulars of the applicant's principal officer;

- a statement that the applicant has read, understood and accepted all the terms and conditions of the agreement, and of the registration, procedural and other documents issued by the administrator, by the Peruvian Domain Name System and by the Dispute Resolution Body;

- the model text for agreements signed with users, if applicable;

- a copy of the seller's agreement signed by the applicant;

- a statement that the information provided and the accompanying documents are true and correct;

- the applicant's signature.

6.5   Responsibilities of the Policy Board in connection with the selling of domain names

- To approve the model text for agreements signed between the administrator and sellers of ccTLD <.pe> domain names.

- To accredit sellers of ccTLD <.pe> domain names, and to verify the accuracy and truthfulness of the information contained in the application at any time. Should the application be found to contain any error or untrue statement, measures may be taken ranging from correction of the error to termination of the agreement and revocation of the accreditation.

- To reconsider accreditation applications in cases where accreditation is denied.

- To revoke the seller's accreditation for just cause.

- To establish fee schedules for ccTLD <.pe> domain names.

6.6   Functions of the administrator in connection with the selling of domain names

- To sign the corresponding ccTLD <.pe> domain name seller's agreement with a seller once it has received accreditation from the Policy Board.

- To act as the exclusive wholesaler *vis-à-vis* sellers of domain names, and to offer volume discounts to sellers on terms that are transparent, unbiased and non-discriminatory, subject to the prohibition that, if different sellers meet the same requisites, one seller may not be given preferential or distinctive treatment over the others.

6.7   Sale of domain names to end-users

Only accredited sellers may sell ccTLD <.pe> domain names to end-users, and accordingly this is not an activity in which the administrator is allowed to engage.

(Until there are at least two accredited sellers in place, the administrator may continue selling domain names to end-users. The Policy Board will determine when there are sufficient accredited sellers in place, and will establish the applicable rules in this regard.)

[The position of the Peruvian Science Network [*Red Científica Peruana*], which is the current administrator of the ccTLD <.pe>, is as follows: The administrator will sell domains to end-users pursuant to the terms and conditions established in the corresponding report to be requested from the Open Competition Commission [*Comisión de Libre Competencia*] of INDECOPI.]

6.8   Fees

The Policy Board will establish fee schedules for ccTLD <.pe> domain names. Such fees must be based on the cost of providing the service. Any volume discounts offered must be publicly announced and be non-discriminatory.

6.9   Agreements

The Policy Board will approve the model text for agreements signed between the administrator and domain name sellers, and may verify the accuracy of the information and documents submitted and request any additional information that may be required in connection with the accreditation process.

6.10   Liability

Responsibility for the use of a ccTLD <.pe> domain name will rest with the domain name owner, and the administrator and domain name sellers will bear no liability in that connection.

6.11   Handling of personal information

Both the seller and the administrator must have systems and measures in place to safeguard personal information, and must adopt policies to prevent commercial use being made of that information without the express written consent of the individuals to whom the information pertains. Likewise the sale, distribution, transfer or lending of databases for any use other than the purpose for which they were created will be prohibited, regardless of any reason or justification that might be offered for such action.

Annex I

Glossary

accredited seller [*comercializador acreditado*] - A natural or juristic person accredited by the Peruvian Domain Name System Policy Board for the purpose of selling ccTLD <.pe> domain names.

administrative contact point [*contacto administrativo*] - The administrative contact point for a domain is the party responsible for authorizing modifications and transfers and carrying out any other actions associated with a modification to a domain name registration.

administrator [*administrador*] - The administrator of the ccTLD <.pe>, accredited by the Peruvian Domain Name System Policy Board.

ccTLD <.pe> - The assigned top-level domain name for Peru according to the two-letter country codes established under the ISO 3166-1 (Alpha-2) standard.

challenge [*oposición*] - A means of redress whereby, when an outside party submits an application to register a domain name, a party that owns the rights to a term identical to the proposed domain name and that has owned such rights prior to the registration of the domain name in question, with the potential that confusion could result, may oppose the registration of the domain name.

cyber-squatter [*ciberocupa*] - A person that reserves domain names for the sole purpose of subsequently selling them to parties having legitimate rights to them. Such behaviour is considered unacceptable in domain name registration systems.

database [*base de datos*] - A set of classified, organized information about a number of domain name owners. It may or may not be in electronic form.

dispute resolution [*resolución de conflictos*] - A mechanism which provides a means of redress in the event that one party has registered a particular domain name which is identical or similar to a term to which a second party owns the rights under Peruvian law and has owned such rights since prior to the registration of the domain name in question, with the result that there is a potential for misunderstanding or confusion to be created among users, and that the second party is suffering economic, moral, personal or other harm as a result of the first party having registered and made use of the domain name in question. The remedy provided through the dispute resolution mechanism consists of having the domain name either cancelled or transferred to the petitioner.

Dispute Resolution Tribunal [*Tribunal de Resolución de Conflictos*] - An administrative body authorized to resolve any disputes arising with respect to the registration or use of ccTLD <.pe> domain names.

domain name [*nombre de dominio*] - A label that associates a particular combination of alphanumeric characters with a particular IP number, identifying it in a way that can be more easily remembered.

domain name owner [*titular de un nombre de dominio*] - The natural or juristic person in whose name a ccTLD <.pe> domain name has been registered. The domain name owner is the administrative contact point for that domain.

domain name system (DNS) [*sistema de nombres de dominio*] - The entire system of laws, databases, organizations and technical workings relating to the operation of domains is included within the domain name system. The abbreviation "DNS" is also used to refer to primary and secondary domain name servers.

domain renewal [*renovación de dominios*] - The act of renewing a domain registration agreement and paying the corresponding annual maintenance fee.

domain transfer [*transferencia de dominios*] - The act of changing the ownership of a domain name from the current owner to a new owner, with the current owner making the request and the new owner indicating acceptance and paying the transfer fee.

generic top-level domain (gTLD) [*dominio genérico de primer nivel*] - A top-level domain that is not associated with any individual country.

IANA - Internet Assigned Numbers Authority (incorporated within ICANN in 1999).

ICANN - Internet Corporation for Assigned Names and Numbers.

IP address [*dirección IP*] - The unique address under IP protocol assigned to each specific computer connected to the Internet, such as "164.73.128.5". Internet communications are handled on the basis of this specific kind of address.

Internet service provider (ISP) [*proveedor de servicios Internet*] - An ISP provides individuals or companies with access to the Internet using the networks of public telecommunication services licence-holders. ISPs must be registered as Added-Value Service Providers [*Proveedores de Servicios de Valor Añadido*] with the corresponding registry operated by the Ministry of Transport and Communications (MTC).

modification [*modificación*] - A function in which an administrative contact point updates either information about a domain name and the responsible parties for it or DNS information, to reflect changes concerning the domain name in question. Both administrative contact points and technical contact points are authorized to modify domain name information.

national Internet community [*comunidad nacional de Internet*] - The community consisting of the private or business sector, Internet and IT user groups and associations, individual Internet users, registered ccTLD <.pe> domain name owners, the State and the general public.

network information centre (NIC) [*centro de información de la red*] - An NIC provides Internet users with information, assistance and services.

new registration payment [*pago de registro*] - The payment of the applicable charge for a new registration of a ccTLD <.pe> domain name.

payment contact point [*contacto de cobranza*] - The payment contact point is the person or organization responsible for ensuring that the necessary payments are made in connection with a domain name.

Peruvian Domain Name System [*Sistema Peruano de Nombres de Dominio*] - All organizations concerned with the ccTLD <.pe>.

Policy Board [*Consejo de Políticas*] - The governing body of the Peruvian Domain Name System, made up of representatives from the various sectors concerned with ccTLD <.pe> domain names.

registration fee [*precio de registro*] - The registration fee for a ccTLD <.pe> domain name, based on the cost of providing the service.

request for comments (RFCs) [*petición de comentarios*] - A series of documents begun in 1967, describing overall Internet protocols. RFCs are validated by the Internet Engineering Task Force (IETF).

second-level domain [*dominio de nivel secundario*] - The portion of a traditional domain name that precedes the last dot. For example, in the domain name <dnsystem.org>, the second-level domain is "dnsystem".

technical contact point [*contacto técnico*] - The technical contact point for a domain is a party from which the registry may obtain technical information regarding the domain name. The technical contact point has a lower the authority than the administrative contact point.

 "Whois" - An Internet utility that returns information about a domain name. A "Whois" database contains data on the name server together with information on the administrative contact point, technical contact point and payment contact point for identification purposes.

World Wide Web (WWW, or the Web) - A portion of the Internet that uses a combination of text, graphics and multimedia (audio and video) to provide information.

Annex II

The ccTLD <.pe> Domain Name Dispute Resolution Tribunal

1   Area of competence. The Domain Name Tribunal shall be an administrative body forming part of the organizational structure supporting the Peruvian Domain Name System. It shall be competent to hear and resolve disputes arising in connection with the registration and use of domain names.

2   Functions of the Tribunal. The Domain Name Tribunal shall have the following functions:

a)   to serve as the final appeal level to review challenges to the registration of ccTLD <.pe> domain names;

b)   to resolve any disputes arising between ccTLD <.pe> domain name owners and users in accordance with the policies and guidelines established by the Peruvian Domain Name System Policy Board;

c)   to establish binding precedents where appropriate;

d)   to transmit information on each of the cases it decides to the Peruvian Domain Name System Policy Board. In addition, it shall maintain an electronic archive of such disputes and make the relevant information available to the general public;

e)   to prepare an annual report on the cases it decides, and systematize the criteria used in deciding them. In addition, it shall provide the Peruvian Domain Name System Policy Board with any information the Board may request in order to perform its functions;

f)   to perform any other functions as determined by the Peruvian Domain Name System Policy Board.

3   Composition. The Tribunal shall have five members appointed by the Peruvian Domain Name System Policy Board. The Tribunal shall elect its Chairman and Vice-Chairman. The Chairman shall serve for a term of one year and may be re-elected, subject to the limitation that the Chairman's total period of service may not exceed five consecutive years.

4   Technical Secretariat. The Tribunal shall have a Technical Secretariat as a support unit, consisting of a Technical Secretary and an assistant. In the organizational structure, the Technical Secretariat shall report to the Policy Board.

5   Functions of the Technical Secretariat. The functions of the Technical Secretariat vis-à-vis the Dispute Resolution Tribunal shall be as follows:

a)   to convene sessions of the Tribunal when necessary;

b)   to draw up the records of the Tribunal's sessions;

c)   to screen the applications submitted in order to determine whether they meet the admissibility requirements for cases to be placed before the Tribunal;

d)   to process dispute resolution applications in accordance with the guidelines established by the Peruvian Domain Name System Policy Board;

e)   to issue all required notifications in regard to the Tribunal's decisions;

f)   to transmit the applications submitted and the communications received to the Tribunal;

g)   to perform any other functions that the Tribunal may ask it to undertake.

6   Sessions. The Tribunal shall hold sessions at regular intervals for the purpose of resolving disputes submitted to it. However, when the circumstances make it necessary, members of the Tribunal may meet by means of videoconferencing, or use other electronic media in carrying out their functions.

7   Settlement by the parties. At any stage in the proceeding prior to the issuance of the Tribunal's final decision, the parties may settle the dispute between themselves through conciliation, mediation, negotiation or any other means of settling disputes. Once the Tribunal has been advised that the parties have settled the dispute between themselves, the Tribunal shall terminate the proceeding and the settlement terms shall be conveyed to the administrator.

8   Per diem allowances. Members of the Tribunal shall receive a per diem allowance for their attendance at the Tribunal's sessions. The cost of these per diem allowances shall be defrayed out of the proceeds of the fees paid by the claimant.

9   Records of the Tribunal's sessions. The Technical Secretary shall be responsible for drawing up the records of the Tribunal's sessions and maintaining a permanent file of them. The record of each session shall be signed by the Chairman of the Tribunal.

10   Appeals. The Domain Name Dispute Resolution Tribunal is an administrative body for which there are no higher bodies to which its decisions may be appealed. The only form of redress with respect to its decisions shall be a request that a decision be reconsidered.

Any request for reconsideration of a decision must be presented within five working days. Such a request may pertain only to a final decision that concludes a case or to procedural actions which make it impossible for the proceeding to continue or for a proper defence to be mounted.

Annex III

Regulations of the Peruvian Domain Name System Policy Board

1 The Peruvian Domain Name System

The Peruvian Domain Name System shall consist of a Policy Board whose members will be representatives of the ccTLD <.pe> administrator, dispute resolution bodies, sellers of ccTLD <.pe> domain names, domain owners, the private sector and the public sector.

The mission of the Peruvian Domain Name System shall be to ensure that the administration of ccTLD <.pe> domain names and activities relating thereto, insofar as they involve the public interest, are carried out according to the interests of the national Internet community.

2 The Policy Board of the Peruvian Domain Name System

The Policy Board shall be the governing body of the Peruvian Domain Name System, and its membership shall consist of representatives of sectors concerned with domain names and/or the national Internet community. The Policy Board shall be responsible for developing and revising policies in regard to ccTLD <.pe> domain names. Provisions established by the Policy Board in the exercise of its functions shall be binding, and it shall have competence in all matters relating to the top-level domain country code for Peru (the ccTLD <.pe>).

3 Incorporation of the Policy Board as a juristic person

The Policy Board shall be an agency established pursuant to a legal provision as the governing body of the Peruvian Domain Name System for the ccTLD <.pe>, with participation by the State, the private sector, the academic community, the administrator of the ccTLD <.pe> and representatives of the national Internet community.

4 General principles guiding the activity of the Policy Board

The general principles guiding the Peruvian Domain Name System and the Policy Board shall be as follows:

- ccTLD <.pe> domain names are a matter of public interest.
- Participation is necessary on the part of the private sector as an engine of investment and development.
- Participation in the Peruvian Domain Name System is necessary on the part of ccTLD <.pe> domain name owners and the national Internet community.
- Participation is necessary on the part of the State as the leading sponsor of the Peruvian Domain Name System.

5 Composition of the Policy Board

The Policy Board shall have ten members, three from government agencies and seven from non-governmental sectors as follows:

- one representative from the ccTLD <.pe> administrator;
- one representative of telecommunication services licence-holders that support Internet access services;
- one representative of sellers of ccTLD <.pe> domain names;

- one representative of Internet service providers (ISPs);
- one representative of dispute resolution bodies concerned with the ccTLD <.pe>;
- two representatives of domain name owners, one of whom must represent <.com> owners;
- three representatives from government agencies (INDECOPI, MTC and OSIPTEL).

6   Functions

The Policy Board's main functions shall be as follows:

- to ensure that activities relating to the Peruvian Domain Name System are carried out in accordance with the interests of the national Internet community;
- to develop and revise policies and guidelines for the administration of the ccTLD <.pe>, taking into account international trends in the field and acting in pursuance of the guiding mission of the Peruvian Domain Name System;
- to coordinate the participation of the Peruvian Domain Name System in national and international forums, putting forward a common position reached through consensus;
- to hold at least one meeting of the national Internet community every year for the purpose of conducting a comprehensive review of policies relating to the administration of the ccTLD <.pe>, the settlement of disputes and the selling of domain names;
- to approve the model text for agreements signed between the administrator and users of ccTLD <.pe> domain names;
- to approve the model text for agreements signed between the administrator and sellers of ccTLD <.pe> domain names;
- to approve the model text for agreements signed between sellers of ccTLD <.pe> domain names and users, if applicable;
- to accredit sellers of ccTLD <.pe> domain names, to reconsider accreditation applications in cases where accreditation is denied and to revoke accreditation for just cause;
- to accredit the administrator of the ccTLD <.pe>;
- to establish fee schedules for ccTLD <.pe> domain names;
- to promote and encourage the use by the general public of ccTLD <.pe> domain names;
- to ensure that the ccTLD <.pe> is administered in a way that is transparent, unbiased and non-discriminatory;
- to promote competitive, efficient, speedy mechanisms for settling disputes relating to the ccTLD <.pe>;
- to promote mechanisms to ensure that the selling of ccTLD <.pe> domain names is conducted on the basis of open, fair competition;
- to carry out any other functions falling within its sphere of competence.

7   Annual work plan, and Technical Secretariat

Every year the Policy Board shall approve its work plan, which shall be posted for the information of the general public on a webpage created for that purpose at the website of the Peruvian Domain Name System.

The Policy Board shall have a Technical Secretariat as a support unit to assist it in carrying out its functions. The Technical Secretariat shall also serve as a support unit for the ccTLD <.pe> Domain Name Dispute Resolution Tribunal.

The establishment, composition, procedures and functioning of the Technical Board shall be determined by the Policy Board.

8 Chairman of the Policy Board

The Chairman of the Peruvian Domain Name System Policy Board shall be elected from amongst the full members of the Policy Board. Candidates for the chairmanship of the Policy Board must be nominated by at least three full members of the Board, and election shall be by simple majority.

Meetings of the Policy Board shall be called by the Chairman. When the Board conducts a vote that results in a tie, the Chairman shall have a casting vote.

9 Removal of the Policy Board Chairman

The Chairman of the Policy Board may be removed from office by the decision of two thirds of the Board's full members for just cause, the grounds for such removal being first established by the Board.

10 Members of the Policy Board

The members of the Policy Board shall be selected by the sectors they represent.

Each member of the Policy Board shall act on behalf of the sector that selected him or her, and accordingly the views and decisions of Policy Board members shall be issued in the name of the sectors they represent. The Policy Board shall be governed by the provisions set forth herein and such other provisions as the Board itself may establish.

The representatives to serve on the Policy Board and their alternates will be selected by each sector for a two-year term, and may subsequently be reappointed for further two-year terms. In the case of private sector representatives, two or more people belonging to the same business group [*grupo económico*] or financial-services group [*conglomerado financiero*] may not serve simultaneously as members or representatives on the Policy Board even if they have been elected by different sectors. The terms "business group" and "financial-services group" shall be understood to have the meanings established in the relevant legislation.

When a full member is absent, he or she shall be replaced for all purposes by his or her alternate. Full members may be accompanied at Policy Board meetings by their alternates, in which case the alternate will have the right to address the meeting but not to vote.

A full member or an alternate may be replaced at any time by the sector which selected the person in question to represent it on the Policy Board. Any such decision must be communicated to the Policy Board in writing. As well, a full member or an alternate may resign from the Policy Board by communicating that decision to the Board in writing. The Chairman and members of the Policy Board shall serve without pay.

11 Meetings of the Policy Board

The Policy Board shall establish its own rules of procedure for its meetings.

The following requirements shall apply to the notice of meeting given in advance of a Policy Board meeting:
- For a regular meeting, the notice of meeting must be given seven working days in advance.
- For a special meeting, the notice of meeting must be given four working days in advance.

- The notice of meeting must be circulated in writing to every full member on the Policy Board, and include information as to the location, date and time, and agenda of the meeting.

12   Relations with other bodies in the Peruvian Domain Name System

Other bodies in the Peruvian Domain Name System shall:

- act in compliance with the policies and guidelines established by the Policy Board;
- provide any information or documentation that the Policy Board may request concerning their activities in connection with ccTLD <.pe> domain names;
- act in compliance with Peruvian legal provisions;
- carry out their activities in accordance with the general principles and objectives of the Peruvian Domain Name System and the Policy Board.

In addition, bodies forming part of the Peruvian Domain Name System shall be entitled to:

- present proposals to change, in whole or in part, the policies and guidelines to which they are subject in carrying out their activities relating to ccTLD <.pe> domain names;
- attend meetings of the Executive Board [*Consejo Directivo*], with the right to address the meeting but not to vote, the right to vote being exercised by their representatives serving as members on the Policy Board;
- engage in such other activities as may be determined by these regulations or by the Policy Board.

13   Funding of the Policy Board's activities

The activities carried out by the Policy Board pursuant to its remit shall be funded out of the proceeds from the registration and maintenance of ccTLD <.pe> domain names. The Policy Board shall approve its own operating budget.

Annex IV

New rules and procedures for the administration of the ccTLD <.pe>

Introduction

The domain name system (DNS) is a system used on the Internet for assigning and using names that are unique worldwide for identifying equipment connected to the network. This makes it possible for most people and applications to use names instead of numerical IP network addresses. This offers great advantages, including the fact that it is more convenient for people to remember names than numbers, and it allows an organization to keep the names of equipment, services, e-mail addresses and so forth separate from the particular numerical addresses that may identify its equipment at any given time as changes take place in the organization's network structure and Internet service provider. From a technical standpoint, the DNS is a vast database spread hierarchically across the Internet. A great many servers interact with each other in order to track down the proper conversion of a name to its corresponding IP address, and provide that information to the client applications that contact them so that the desired connection can be made. Every part of the database is replicated on at least two servers to assure an appropriate measure of redundancy.

The reason why the DNS was developed and implemented was the burgeoning growth in the number of machines connected to the Internet. Previously, the task of identifying names with IP addresses was performed using a listing maintained centrally in a single file (HOST.TXT), which had to be continually updated as each new piece of equipment was added and which had to reside on every computer connected to the Internet.

The aim of the DNS is to permit a step-by-step search of the Internet name system, from both the administrative and technical standpoints, through a hierarchical distribution of delegated domain names. Domains are administrative entities whose purpose is to divide up the management workload of a central administrator by distributing it amongst various sub-administrators. The sub-administrators may in turn repeat the process if this is warranted by the size of the domain in question. Thus, different levels of delegated domain names can be created, with each administrator assigning names that are unique at its level. The result is that any DNS name is formed by indicating the various domain names in sequence from the bottom of the hierarchy to the top (called the DNS root), separated by dots: for example, <machine.level3.level2.level1>.

Top-level domains, or TLDs, are situated at the highest level in the hierarchy. These are the two-letter domains used to identify countries pursuant to the ISO-3166 standard, plus the three-letter special-purpose domains <.edu>, <.com>, <.gov>, <.mil>, <.org>, <.int> and <.net>. Broadly speaking, the hierarchical structure of the DNS tries to reflect administrative groupings according to a fundamental geographical component (or according to a fundamental activity in the case of the special-purpose TLDs). For example, a machine or service belonging to a department or branch of an organization in Canada would have a name along the lines of <machine.department.organization.ca>.

Each TLD has its own rules about who can register a third-level domain name, what domain names are permitted, what procedures must be followed in order to register a third-level domain name, and so on. The fact that someone may meet the requirements for registering a domain name under one TLD does not mean that that person also meets the requirements for registering that or any other domain name under some other TLD.

One of the main functions of PE-NIC is to register third-level <.pe> DNS domain names for Internet use. This document describes the rules and procedures applicable to the registration of these domain names.

PE-NIC only registers third-level <.pe> DNS domain names (of the sort <organization.com.pe>). The registration of fourth- and lower-level <.pe> domain names (of the sort <www.organization.com.pe>) is the responsibility of the registration authority for the corresponding parent zone, and so the third-level domain within which the fourth-level domain name falls must previously have been registered and delegated by PE-NIC.

Fundamental principles for the administration of the ccTLD <.pe>

The administration of the ccTLD <.pe>, and the administration and use of domains overall, will be governed by the following principles:

- ccTLD <.pe> domain names are a matter of the public interest.
- Participation is necessary on the part of Peruvian domain name owners and the national Internet community in processes relating to ccTLD <.pe> domain names and the Peruvian Domain Name System.
- Participation is necessary on the part of the State as the leading sponsor the Peruvian Domain Name System.
- Compliance with existing laws and regulations.
- Good faith in the registration and use of domain names.
- Processing of applications strictly on a first-come, first-served basis.
- Simple procedures for the registration of domains and other operations carried out under the aegis of the Peruvian Domain Name System.
- Flexibility in the domain registration system, taking into account social, economic, technical and other factors.
- Legal and technical stability of the system for registering ccTLD <.pe> domain names.
- Speedy carrying out of all processes relating to the domain name registration system.
- *Respect for privacy and the safeguarding of personal information about domain owners.*

General provisions

2.1   The Peruvian Science Network [*Red Científica Peruana*] (RCP) shall be accredited by the Policy Board of the Peruvian Domain Name System as the body responsible for assigning, registering and administering third-level <.pe> Internet DNS domain names.

2.2   The registration of third-level <.pe> DNS domain names shall be governed by the present rules.

2.3   As an adjunct to the requirements and restrictions established in these rules, third-level <.pe> domain names shall be assigned on a first-come, first-served basis.

2.4   The Policy Board of the Peruvian Domain Name System reserves the right to amend these rules in future if this should be necessary for any technical or other reason; and such amendments shall be implemented by PE-NIC following the required public notice period.

Who can register a third-level <.pe> domain?

2.5   Any natural or juristic person, Peruvian or foreign, can register a third-level <.pe> DNS domain name.

How many domain names may be registered?

2.6   There is no limitation on the number of domain names that a natural or juristic person may register.

What domain names are allowed?

2.7	Any combination of characters may be registered as a domain name provided that:

•	it has not previously been registered as a domain name;

•	it complies with the rules of syntax set forth in § 2.8 below;

•	it is not subject to any of the restrictions indicated in § 2.9 below.

If the domain name for which an application is made consists of a combination of characters that is identical to a brand name, commercial slogan, business name or other term to which rights are held under Peruvian legislation, that domain name may be registered only by the party that owns or holds the rights to that combination of characters provided that the holding of such rights predates the application to register the domain name in question. In this case, the applicant must provide evidence of such rights in the form of documentation issued by the competent authority.

2.8	Rules of syntax

a)	The only characters that may be used in a DNS domain name are the letters of the English alphabet (from "a" to "z"; the DNS does not distinguish between upper- and lower-case letters), Arabic numerals (from "0" to "9"), and the hyphen ("-").

b)	A hyphen may not be used as the first or last character of a domain name.

c)	The minimum permitted length of a third-level <.pe> domain name is one character (although to reduce the potential for disputes it is recommended that the minimum be set as five characters). If anyone should apply for a domain name consisting of a single character, that domain name will be put up for auction, subject to due public notice being given for an appropriate period of time and in accordance with rules established by the Policy Board.

d)	The maximum permitted length of a third-level <.pe> domain name shall be 63 characters (although for reasons of practicability it is recommended that the maximum be set as 24 characters).

2.9	Restrictions. A combination of characters may not be registered as a third-level <.pe> domain name:

a)	if it is identical to a top- or second-level DNS domain name such as <.edu>, <.com>, <.gob>, <.mil>, <.org>, <.nom> or <.net>;

b)	if it consists exclusively of a place name that refers solely and exclusively to a location in Peru. The terms covered by this restriction are the names of regions, departments, provinces, districts, municipalities and villages, together with the names of indigenous languages and population groups both as written in Spanish and as written in the indigenous languages of Peru's various ethnic groups. The RCP reserves the right to authorize the registration of a place name covered by this section if the domain name in question is to be used to the direct social benefit of the community to which it refers or if it is requested by an organization that represents the locality in question;

c)	if the proposed domain name is identical to a protocol name, an application name or an Internet term such as <telnet>, <ftp>, <email>, <www>, <web>, <smtp>, <http>, <tcp>, <dns>, <wais>, <news>, <rfc>, <ietf>, <mbone>, <bbs>, <icann>, <cctld>, <gltld>, <iana>, <dnso>, <aso>, <ncdnh>, <udrp>, <e-commerce>, <ecommerce>, <e-government>, <egovernment>, <b2b>, <b2c>, <b2g>, <c2g>, <g2g>, <xml>, <wap>, <lactld>, <lacnic>, <ip>, <pda>, <os>, <arin>, <apnic>, <africanic>, <penic>, <pe-nic>, <at-large>, <tld>. In such cases the administrator may turn down an application to register a domain name if, to the administrator's knowledge, the proposed domain name falls within the categories indicated;

d)   if the proposed domain name consists exclusively of a combination of names covered under paragraphs c) and d) above;

e)   if the proposed domain name consists exclusively of family names registered with the National Bureau of Identity Documents and Vital Statistics [*Registro Nacional de Identificación y Estado Civil*] (RENIEC).

Procedure for the requesting and granting of domain names

2.10   The process of registering domain names is divided into two stages. The first stage is the presentation of an application to register a domain name, which begins with the receipt of the duly completed application from the requesting party. If the application is approved, it is published on the PE-NIC website so that any other party that believes its rights to be affected may present a challenge to the application. The time period for the presentation of challenges shall be five calendar days.

If the registration application is turned down, the applicant may seek redress from the Dispute Resolution Tribunal by asking it to review the administrator's decision to deny the application.

The PE-NIC Registration Committee shall be the first level for resolving challenges, following which either party (i.e. either the party seeking to register the domain name or the party challenging the registration) may, within three days, ask that the Domain Name Dispute Resolution Tribunal review the case and make a final decision which cannot be appealed. This procedure shall be governed exclusively by the regulations governing challenges to the registration of ccTLD <.pe> domain names.

If no challenges are presented, the procedure moves on to the second stage, which is the registration of the domain name in the name of the applicant.

Terms and conditions with regard to the registration of <.pe> DNS domain names

2.11   Information concerning applicants and domain name registrations (with particular reference to technical, administrative and billing contact points) shall be protected by PE-NIC in accordance with its rules for the safeguarding of information. PE-NIC will assume that information furnished by applicants is accurate unless shown to the contrary.

2.12   The ultimate ownership, authority and responsibility with regard to a third-level <.pe> DNS domain name will always appertain to the organization or individual in whose name the domain name has been registered. In particular, a domain name seller does not own and is not responsible from the administrative standpoint (although it may be responsible from the technical standpoint) for a domain that has been registered for an organization to which or an individual to whom it renders services. This is true even in cases where the seller has acted as an intermediary vis-à-vis PE-NIC in registering the domain name or where the seller, acting on behalf of the organization, manages the primary DNS server for the third-level zone corresponding to the domain in question. An important consequence of this provision is that an organization or individual may retain the same third-level <.pe> DNS domain name regardless of whether it changes its ISP or is connected to several ISPs at the same time.

2.13   With reference to the foregoing paragraph, the only party liable for any harm that may be done to industrial or intellectual property rights or to any other rights of outside parties as a result of the registration of a third-level <.pe> DNS domain name for Internet use shall be the organization or individual that applied for and obtained the registration.

PE-NIC shall not be responsible for verifying the accuracy of the background information presented by the applicant, and shall have no responsibility with regard to any use that an applicant makes of a domain name once it has been registered.

2.14   Any dispute over the rights to use a given domain name shall be resolved between the parties concerned either by submitting the case to the Domain Name Dispute Resolution Tribunal or by employing some other dispute resolution system. In the event of a dispute, PE-NIC shall have no role or responsibility other than to provide the parties to the dispute and the dispute resolution body or administrative or judicial authorities with the necessary contact information asked of it.

2.15   Neither the Policy Board of the Peruvian Domain Name System, nor PE-NIC, nor the Peruvian Science Network (RCP) nor duly accredited domain name sellers shall be held liable in any case for harm done to industrial or intellectual property rights or harm done to any other legitimate rights or interests by reason of the registration of third-level <.pe> DNS domain names pursuant to these rules.

Likewise, the officials, staff and representatives of the Policy Board of the Peruvian Domain Name System, of PE-NIC, of the Peruvian Science Network and of duly accredited domain name sellers shall not be held liable in any case for harm done of the kind described in the foregoing paragraph.

Policies for the delegation of third-level subdomains within the ccTLD <.pe>

The policy for assigning subdomains within the ccTLD <.pe> is based on RFC 1591 of the Internet Assigned Numbers Authority (IANA), as well as on the policies and guidelines for the administration of domain names issued by the Policy Board of the Peruvian Domain Name System.

In view of § 2 of section 3 of RFC 1591, which notes that rights and ownership with respect to domains are inappropriate, whereas the focus should be on service to the community, the ccTLD <.pe> has been divided into the following subdomains:

> **<edu.pe>**
> **<gob.pe>**
> **<nom.pe>**
> **<mil.pe>**
> **<org.pe>**
> **<com.pe>**
> **<net.pe>**

Additional second-level domains could be created subject to a market study and in accordance with any policies that may be needed to provide for them to be included, as established by the Peruvian Domain Name System Policy Board.

The following criteria shall apply for delegating a domain within these subdomains.

1   The following domains shall be subject to restrictions in that domain name applications must not only comply with the requirements laid down above (in section 2), but must also meet the specific requirements applicable to each subdomain.

> **<edu.pe>**

This subdomain shall be assigned only to educational institutions: universities, colleges, institutes, etc.

> **<gob.pe>**

This subdomain shall be assigned only to departments and agencies of the Peruvian government not pertaining to the military. This subdomain shall be governed by the rules set forth in Directive 010-2002-INEI/DTPN issued by the National Bureau of Statistics and Information Technology [*Instituto Nacional de Estadística e Informática*] (INEI), concerning the use of domain names in government departments and agencies, as well as any other rules contained in the present regulations that may apply.

<mil.pe>

This subdomain shall be assigned only to offices and units pertaining to the Peruvian Armed Forces. This subdomain shall be governed by the rules set forth in Directive 010-2002-INEI/DTPN issued by the National Bureau of Statistics and Information Technology, concerning the use of domain names in government departments and agencies, as well as any other rules contained in the present regulations that may apply.

<net.pe>

Third-level domains may be delegated within this subdomain only if the applicant network meets all of the following requirements:

- It must be an Internet service provider.

- It must have a physical presence in Peru.

- It must operate its own principal nameserver.

- It must have its own Autonomous System Number.

- It must be completely independent from any other network in the country insofar as its expansion policy and its management are concerned.

- It must have at least one direct connection to an ISP outside the country.

2   Domains in the following subdomains may be freely approved subject only to compliance with the requirements laid down in section 2 above:

<org.pe>
<com.pe>

3   Domains in the following subdomain may be granted only to natural persons.

<nom.pe>

Delegation of a new domain name

The following procedure must be followed for delegating a new third-level <.pe> DNS domain name for an organization that does not have some other third-level <.pe> domain name already registered.

1)   The domain name seller must send the administrator the Domain Registration Application Form [*Formulario de Solicitud de Registro de Dominio*], duly completed in accordance with the instructions and examples provided, either directly via e-mail or physically in hard-copy form.

It shall be understood by PE-NIC that the seller is fully authorized to act on behalf of the organization in whose name it is applying for the registration (and that it bears sole and exclusive responsibility in making the application).

An application received from any source other than a domain name seller duly accredited by the Peruvian Domain Name System Policy Board will be rejected.

2)   If the application is denied and the problems cited as grounds for such denial can be corrected, the domain name seller shall correct the errors in question in accordance with the information and instructions provided, and resubmit the application.

3)   Applications for registering a new domain name shall be processed strictly on a first-come, first-served basis, and no preferential or distinctive treatment shall be given to any seller.

4)   Any application that contains errors, is incomplete or fails to comply with the applicable rules shall be rejected.

5) PE-NIC may request any supporting documents it may think fit, either prior to registration in order to confirm the accuracy of the information contained in the application or at any subsequent time in order to verify whether the information on which a registration was based continues to be valid.

6) Once an application has been processed, the domain name seller will be advised as to whether the application was approved or denied.

7) If the application is denied, the grounds for denial shall be communicated to the domain name seller (e.g. the proposed new domain has already been registered, or the organization already has another domain, or the proposed new domain does not comply with the rules governing allowed domains, or the DNS servers for which delegation of the domain is requested are inadequate or are not properly configured).

If the problems cited as grounds for denial of the application can be corrected (e.g. technical problems relating to accessibility or server configuration), the application shall be resubmitted to PE-NIC (to the e-mail address <domreg@nic.pe>) once the problems identified have been corrected.

8) If the application is approved, a letter shall be sent to the contact person for billing purposes as indicated in the application, stating that the domain has been authorized and indicating the account to which the domain delegation fee is to be paid. This letter shall be sent via registered courier, with acknowledgement of receipt (advice of delivery).

9) If the application is denied by reason of any of the restrictions established in these regulations, a request that the case be reconsidered may be submitted to the Policy Board, and it shall make its decision in the matter in accordance with the rules established for that purpose.

10) If the application is approved, the domain shall be reserved (in accordance with the information provided in the application). Such reservation shall be provisional, and subject to PE-NIC receiving the corresponding receipt showing that the domain registration fee has been paid. The deadline for receiving the payment receipt shall be 30 calendar days from the date of receipt of the letter sent by PE-NIC stating that the domain has been reserved on a provisional basis.

If the domain registration fee is not paid in full, delegation of the domain shall not take place until the successful applicant has paid the amounts outstanding. If such a situation continues for more than 30 calendar days, all procedures and payments up to that time shall be without effect.

IN NO CASE MAY THE REGISTRATION FEE BE PAID OR THE PAYMENT RECEIPT BE FORWARDED TO PE-NIC BEFORE THE COMMUNICATION STATING THAT THE APPLICATION HAS BEEN APPROVED HAS BEEN RECEIVED FROM PE-NIC.

If PE-NIC does not receive the payment receipt, or if payment is not made in full by the aforesaid deadline, the domain name that has been reserved on a provisional basis shall be struck from the register for all purposes and shall become available as from that moment for registration by another organization in accordance with the established rules and procedures.

Modifications to the registration data for an existing domain

The following procedure shall apply for the purpose of updating the registration data for an existing third-level <.pe> DNS domain name with particular reference to: a change in the domain's status (e.g. from reserved to delegated); a change in the domicile of the organization that owns the domain; changes in the administrative, technical or billing contact persons; a change in ISP; or a change in the owner of the domain.

11)   A duly authorized person (someone shown as an administrative or technical contact person, or someone in the organization to which the domain in question has been registered, being properly identified in this capacity) shall forward the Domain Registration Application Form via e-mail to <domreg@nic.pe>. It shall be understood by PE-NIC that the sender of the e-mail is fully authorized to act on behalf of the organization for whose domain registration changes are being requested, and that the sender bears sole and exclusive responsibility in making the application. If there should be reasonable doubt in this regard, or if contradictory applications should be received, then PE-NIC shall endeavour to get in touch with the administrative contact person indicated in the registration data for the domain in question.

12)   If the application is denied, the applicant shall correct the errors in question in accordance with the information and instructions provided, and resubmit the application.

13)   Applications to change the registration data for an existing domain shall be given priority over other applications and shall be processed strictly on a first-come, first-served basis; and no preferential or distinctive treatment shall be given by reason of the applicant, the requesting organization or the Internet service provider or for any other reason.

14)   Any application that contains errors, is incomplete or fails to comply with the applicable rules shall be rejected.

15)   PE-NIC may request any supporting documents it may think fit, either prior to registration in order to confirm the accuracy of the information contained in the application or at any subsequent time in order to verify whether the information on which a registration was based continues to be valid.

16)   Once an application has been processed, the applicant will be advised as to whether the application was approved or denied.

17)   If the application is denied, the reasons for such denial shall be communicated (e.g. the domain for which changes are being requested is registered in the name of some other organization, or the DNS servers for which delegation of the domain is requested are inadequate or are not properly configured). If the problems cited as grounds for denial of the application can be corrected (e.g. technical problems relating to accessibility or server configuration), the application shall be resubmitted to PE-NIC (to the e-mail address <domreg@nic.pe>) once the problems identified have been corrected.

18)   If the application is approved, a letter shall be sent to the applicant (if there has been a change in contact persons, and provided that the applicant's e-mail address is available) and/or to the technical contact persons for the domains where the old and new primary DNS servers reside (if a change has been made in this regard).

19)   If the application is approved, the domains shall be recorded as being registered, being delegated or having MX records, according to the new data provided in the electronic application.

20)   The annual domain registration maintenance fee shall cover all changes in domain registration information that may be necessary during the year, except those changes pertaining to the transfer of a domain.

Termination of a registered domain name

The following procedure shall apply for the purpose of terminating an existing <.pe> DNS domain.

21)   A duly authorized person (someone shown as an administrative or technical contact person, or someone in the organization to which the domain in question has been registered) shall forward the Domain Registration Application Form via e-mail to <domreg@nic.pe> or by

fax. It shall be understood by PE-NIC that the sender is fully authorized to act on behalf of the organization for whose domain termination is being requested, and that the sender bears sole and exclusive responsibility in making the application. If there should be reasonable doubt in this regard, then PE-NIC shall endeavour to get in touch with the administrative contact person indicated in the registration data for the domain in question.

22) If the application is denied, the applicant shall correct the errors in question in accordance with the information and instructions provided, and resubmit the application.

23) Applications to terminate the registration of a domain shall be processed strictly on a first-come, first-served basis together with applications in categories "N" and "M".

24) Any application that contains errors, is incomplete or fails to comply with the applicable rules shall be rejected.

25) PE-NIC may request any supporting documents it may think fit.

26) Once an application has been processed, the applicant will be advised as to whether the application was approved or denied.

27) If the application is denied, the reasons for such denial shall be communicated (e.g. the domain for which termination is being requested is registered to some other organization). If the problems cited as grounds for denial of the application can be corrected, the application shall be resubmitted to the e-mail address <domreg@nic.pe> or by fax once the problems identified have been corrected.

28) If the application is approved, a communication shall be sent to the applicant with copies to the contact persons for the domain in question as indicated in the PE-NIC database (provided that their e-mail addresses are available) and to the technical contact persons for the domain where the primary DNS server resides (in the case of a delegated domain).

29) If the termination is approved, the domain name shall cease to be registered in the name of the organization holding the registration up to that time, it shall be struck from the PE-NIC and DNS database (if it is an active domain) and it shall become available for registration by another organization or natural person in accordance with the established rules and procedures.

30) Domain registration and annual maintenance fees shall not be refunded if the domain in question is terminated.

Change of a domain name registered by an organization

To change a domain name that has been registered by an organization and which is active, the Domain Registration Application Form must be completed in full. In the space provided for indicating the action requested, the word "*Modificación*" ["Change"] is to be entered, and in the space provided for indicating the reasons for the action, both the old and new domain names are to be entered.

If the application is approved, the old domain name shall remain valid during an expiry period determined according to the applicant's actual needs. The maximum time period allowed for the old domain to expire shall be three months reckoned from the date on which the new domain name is registered, at which time the old domain name shall become available for registration by another organization in accordance with the established rules and procedures. The notion of an expiry period has been conceived as a means of allowing the organization to have two domains both active at the same time, in order that the migration from the old domain to the new domain may proceed smoothly. The organization may not change the domain name a second time during this period.

If the old domain was not active (i.e. if it was simply reserved), then the concept of changing the domain name does not apply. In that situation, two separate applications must be submitted - one to cancel the old domain name, and the other to register the new domain name - each of which will be processed independently.

5   Grounds for suspending a domain name or cancelling a registration

5.1   Suspension of a domain name

5.1.1   A domain name shall be suspended for a period of 30 days if the annual domain maintenance fee is not paid in full by the deadline for such payment, plus any extensions that may apply.

5.1.2   A domain name shall be suspended if so ordered by a competent administrative or judicial body.

5.2   Cancellation of a registration

In addition to the usual procedure for requesting the termination of a domain name, a third-level <.pe> domain name shall be cancelled by PE-NIC, and accordingly struck from the register for all purposes, in the following situations.

5.2.1   A registration shall be cancelled if, by the end of a 30-day suspension period applied by reason of non-payment of a fee, the outstanding fee has not been paid in full.

5.2.2   A registration shall be cancelled if so ordered by a competent administrative or judicial body or by the ccTLD <.pe> Dispute Resolution Body.

5.2.3   A registration shall be cancelled if any of the information provided to PE-NIC, either in the original registration application or in subsequent applications or communications, should be found to be false.

5.2.4   A registration shall be cancelled if the party holding the registration dies or ceases to exist.

5.2.5   A registration shall be cancelled if a name resolution service (configured DNS) is not maintained for the domain name requested. In such a case, notice shall be sent by e-mail to the technical contact point 30 calendar days before the registration is cancelled. If the situation continues unchanged and there is no response, the registration shall be cancelled on the thirty-first day following the notification.

5.2.6   A registration shall be cancelled if a domain is used substantially for the purpose of carrying on activities that are harmful to the operation of the Internet services of any organization worldwide.

5.2.7   A registration shall be cancelled if so requested by the party holding the registration. In this case, the cancellation will be carried out on the day the request is made.

5.2.8   A registration shall be cancelled if so ordered by a competent administrative or judicial body.

When the registration of a third-level <.pe> DNS domain name is cancelled, the domain name in question shall become available for registration by another organization in accordance with the established rules and procedures.

6 Transfer of a domain name

A change from the current owner of a domain name to a new owner shall constitute a transfer of that domain name. A transfer of a domain name may occur in any of the following ways.

6.1 Transfer at the request of a domain name owner

Any owner of a domain name may transfer it to a new owner, and to do so must complete the required transfer form.

In this case, the transfer must be requested by the administrative contact point duly accredited by the party holding the registration. (If the party holding the registration and the administrative contact point are one and the same, accreditation will not be required.)

In addition, in order for the transfer to be completed, the new owner must expressly accept the registration terms and conditions by signing the corresponding registration agreement.

6.1.1   Transfer pursuant to a will executed following the death of a domain name owner shall be deemed to constitute transfer at the request of that domain name owner. The will, when presented, will be considered to be a statement of the deceased's intentions, and accordingly the same procedure described above in section 6.1 above shall be followed.

6.2 Transfer pursuant to an administrative or judicial order

A transfer of a ccTLD <.pe> domain name shall take place if such is ordered pursuant to a decision issued by a competent administrative authority or a definitive judgement handed down by a court. In addition, in order for the transfer to be completed, the new owner must expressly accept the registration terms and conditions by signing the corresponding registration agreement.

6.3 Transfer pursuant to a decision of the Dispute Resolution Body

A transfer of a ccTLD <.pe> domain name shall take place if such is decided by the Dispute Resolution Body. In addition, in order for the transfer to be completed, the new owner must expressly accept the registration terms and conditions by signing the corresponding registration agreement.

THE FEE FOR TRANSFERRING A DOMAIN NAME SHALL BE CHARGED TO THE NEW OWNER, AND MAY NOT EXCEED THE YEARLY MAINTENANCE FEE APPLICABLE AT THE TIME THE TRANSFER TAKES PLACE.

Annex V

Regulations governing challenges and the challenge review procedure

1   A challenge is a measure whereby someone who owns or possesses prior rights to a term represented by a particular combination of characters presents an objection to an application to register a domain name identical to that term.

2   A challenge may be presented only by natural or juristic persons, or their representatives, if they own or possess prior rights to a term represented by a combination of characters that is identical to the combination of characters making up the domain name whose registration is being sought.

3   Challenges must be presented during the five-day public notice period that applies to Peruvian domain name registration applications, either via e-mail or physically in hard-copy form delivered to the administrator's offices.

4   The challenge must be addressed to the domain name administrator and include the following information:

• the name of the person or organization presenting the challenge;

• a copy of the identity document or official record of incorporation;

• the legal domicile;

• the name of the legal representative, together with a copy of his or her identity document;

• e-mail address, and telephone or fax number;

• the domain name with respect to which the challenge is being presented;

• interest in the domain name in question, and basis for presenting the challenge;

• supporting documentation with respect to rights to the term in question and the line of argument being advanced.

5   For the purpose of resolving such cases, the administrator has established a committee to review such petitions individually. The decision issued by the committee shall include a statement of the reasons for its decision and shall be communicated to the parties within five calendar days after the end of the public notice period. The party that is successful may proceed with the domain name registration process only after three calendar days have elapsed, that period being allowed for the filing of an appeal with the Domain Name Dispute Resolution Tribunal.

If, by the end of the period allowed for the filing of an appeal, the administrator has not received notification from the Tribunal to the effect that the Tribunal is to hear an appeal in the case, the administrator shall proceed with the registration of the domain name pursuant to the committee's decision within 24 hours after the end of the appeal period.

6   If the party applying to register a domain name and the party challenging such registration both have rights to the combination of characters in question, the administrator shall invite the parties to resolve the dispute amicably. If no agreement is reached, the administrator shall draw up a record describing what has taken place, and either of the parties may then submit the dispute to the Domain Name Dispute Resolution Tribunal so that it can resolve the matter in a way that is definitive and not subject to further appeal.

7   In the situation described in paragraph 5 above, if the party that is not successful files an appeal with the Domain Name Dispute Resolution Tribunal, that appeal must contain not only the information specified in paragraph 4 above but also a copy of the decision issued by the administrator and the corresponding fee for the hearing of an appeal, in an amount to be fixed by the Tribunal.

In the situation described in paragraph 6 above, either party may file an appeal with the Domain Name Dispute Resolution Tribunal, and that appeal must contain not only the information specified in paragraph 4 above but also a copy of the record of the meeting at which the parties failed to settle the dispute amicably, together with the corresponding fee for the hearing of an appeal, which shall be in the same amount as the fee indicated in the foregoing paragraph, as fixed by the Tribunal.

8   In the situation described in paragraph 6 above, once the Domain Name Dispute Resolution Tribunal has received the documents from either party, it shall transmit them to the other party and that other party shall have a period of not more than five days to present its arguments. At the same time, the administrator shall be notified to halt the registration process.

9   An appeal shall not be admissible in the following circumstances:

a)   if it is presented after the allowed time period has expired;

b)   if it is not accompanied by the documents issued by the administrator in the first stage of the process.

10   Once the response has been received from the other party, the Domain Name Dispute Resolution Tribunal shall have up to five calendar days to resolve the dispute. Both parties and the administrator shall be notified of its decision.

11   Once the administrator has received the notification from the Tribunal, it shall within 24 hours continue with the registration of the domain name in the name of the successful party.

12   At any stage in the proceeding prior to the issuance of the Tribunal's final decision, the parties may settle the dispute between themselves through conciliation or negotiation or by any other means. To formalize the resolution of the dispute, the conciliation agreement or other pertinent document must be submitted to the Tribunal bearing duly notarized signatures. The administrator shall be notified that the dispute has been resolved so that it may proceed in accordance with paragraph 11 above.

13   The final decision with respect to the challenge shall be published for a time on the administrator's website, in a section specifically set up for that purpose, with due regard for the confidentiality of information pertaining to the parties to the dispute.

Annex VI

Regulations governing the resolution of disputes

Any dispute arising subsequent to the registration or use of a ccTLD <.pe> domain name may be brought before the Domain Name Dispute Resolution Tribunal and resolved in accordance with the present procedure.

The dispute resolution system for such cases shall be governed by these regulations, supplemented as necessary by the provisions of the General Law on Administrative Procedure [*Ley General de Procedimientos Administrativos*].

1   The domain name dispute resolution procedure shall be initiated by someone who holds a prior right under Peruvian law to a term that consists of a series of characters identical or similar to a series of characters that someone else has registered as a domain name, such that error or confusion is caused on the part of users and the petitioner is suffering economic, moral, personal or other harm. The aim of this procedure shall be to have the domain name either cancelled or transferred to the petitioner.

2   The time limit for bringing a complaint shall be five years from the date on which the registration application for the disputed domain name was submitted.

3   The petitioner may request only:

•   that the registration of the disputed domain name be cancelled;

•   that the ownership of the disputed domain name be transferred to the petitioner.

4   A claim may be presented only by someone who possesses some prior right under Peruvian law to a combination of characters that is identical or similar to the combination of characters constituting the disputed domain name, such that error or confusion is caused on the part of users and such that the petitioner is affected by the use of the domain name. The petitioner must suffer economic harm; or there must be harm done to the petitioner's commercial or economic image or the image of the petitioner's products or services, brands, etc.; or there must be some negative impact on the dignity of the petitioner's person or family, etc.; and such harm must be attributable to the registration of the disputed domain name.

5   Bad faith on the part of the domain name owner in registering or using the domain name shall be taken into consideration as an aggravating factor.

The following situations, among others, may constitute evidence of bad faith in the registration or use of a domain name:

i)   if the circumstances show that the domain name was registered or acquired principally for the purpose of selling, leasing or otherwise transferring the domain name registration to the petitioner holding a prior right to the combination of characters in question, or to a competitor of that petitioner, for a sum in excess of the various documented costs directly relating to the registration or maintenance of the domain name;

ii)   if the domain name has been registered for the purpose of preventing the holder of a prior right to the combination of characters in question from exercising that right in the form of the corresponding domain name, provided that the holder of the prior right has asked for the domain name in question and been turned down;

iii)   if the domain name has been registered essentially for the purpose of disrupting a competitor's business;

iv)   if the domain name has been used intentionally, with a profit motive, for the purpose of attracting Internet users to a website or any other on-line site by creating the possibility of confusion with the petitioner's prior right to the combination of characters in question in respect of the source, sponsorship, affiliation or promotion of the website or on-line site or of a product or service shown at that website or on-line site.

6   Communications between the parties and the Tribunal shall conform to the following requirements:

i)   Insofar as electronic means of communication are concerned, it must be possible for such communications to be reproduced physically in hard-copy form, they must be filed in their original form while the proceeding is under way and copies of such communications in their hard-copy form must be included in the case file. Electronic signatures shall be deemed valid in accordance with current legislation.

ii)   All electronic communications must be sent with copies to all members of the Tribunal, given that the Tribunal is composed of five members; or, in the case of communications transmitted physically in hard-copy form, they must be sent in a sufficient number of copies so that each member of the Tribunal and each party to the proceeding may receive one.

iii)   Communications sent by either party shall be sent to the Tribunal only, and the Tribunal shall transmit them to the other party.

7   To initiate the dispute resolution process, the following documentation shall be presented to the Domain Name Dispute Resolution Tribunal.

i)   a copy of the payment receipt showing that the dispute resolution procedure fee has been paid in full;

ii)   an express statement accepting the jurisdiction of the Domain Name Dispute Resolution Tribunal and asking it to resolve the dispute, indicating the disputed domain name and the information on the owner of that domain name as obtained using the "Whois" facility of PE-NIC;

iii)   a statement of the petition in writing, providing the information and covering the points listed below:

•   the full name, e-mail address, postal address, and telephone and/or fax number of the petitioner and of his or her representative if applicable (where there is a representative, a copy of the registration of the power of attorney must also be provided);

•   the name and e-mail address of the respondent;

•   the disputed domain name;

•   an express statement accepting the jurisdiction of the Domain Name Dispute Resolution Tribunal;

•   a statement of the prior right of the petitioner with respect to the combination of characters in question, accompanied by a notarized copy of the accreditation, certificate, record or other document substantiating that right and containing information as to a) the date of registration, b) the holder, owner or beneficiary of such substantiating document and c) a description of the nature of such substantiating document and the rights and/or responsibilities authorized pursuant to it, together with information as to the body that issued it, registration data such as the serial number, certificate number or code number, and any other information;

•   the basis for the assertions, arguments and facts cited in support of the claim and the petition;

- if applicable, an indication of whether there has been bad faith on the part of the respondent in regard to the registration or use of the domain as described in paragraph 5 above, in which case evidence to this effect must be included;

- a statement as to the nature of the harm or damage caused, together with evidence to this effect and an indication of the direct or indirect relationship between such evidence and the registration of the disputed domain name;

- a statement as to the object of the petition as described in paragraph 3 above;

- an indication as to whether some other procedure in addition to the procedure being initiated has been carried out or is under way in connection with the disputed domain name;

- an indication as to the preferred means of communication with the respondent and the Tribunal (e.g. e-mail, the postal service or fax).

8   Once the Tribunal has received the petition, it shall have five days to determine whether it meets all the applicable requirements; and following that assessment it shall issue one of the three following declarations:

- That the petition cannot proceed because it contains errors or omissions, but that an opportunity will be provided for such errors or omissions to be corrected: In this case, the petitioner shall be given up to five days to correct the errors or omissions. If by the end of the five-day period the petitioner has not submitted the materials requested, the petitioner shall be so notified, the fee paid less any expenses incurred by the Tribunal shall be refunded to the petitioner, and the proceeding shall be deemed terminated.

- That the petition is inadmissible because it contains errors or omissions, and that there will be no opportunity provided for such errors or omissions to be corrected: In this case, the petitioner shall be so notified, the fee paid less any expenses incurred by the Tribunal shall be refunded to the petitioner, and the proceeding shall be deemed terminated.

- That the petition may proceed: In this case, a copy of the petition shall be transmitted to the respondent.

9   Once it has decided that the petition may proceed, the Tribunal shall ask PE-NIC for full information concerning the owner of the disputed domain name (the address, telephone number, fax number, etc. for the administrative, technical and payment contact points). The Tribunal shall have up to three calendar days to make the request, and PE-NIC shall have up to three calendar days to supply the information.

10   Once it has received full information concerning the owner of the disputed domain name, the Tribunal shall notify the respondent regarding the petition.

11   The respondent shall be deemed to have been properly notified in either of the following circumstances:

- If the petition and the annexes thereto have been sent to the e-mail addresses of the administrative, technical and payment contact points or to their fax numbers. Regardless of the means of communication employed, an acknowledgement of receipt (advice of delivery) system must be used.

- If the petition has been sent physically in hard-copy form to the addresses of the administrative and payment contact points. An acknowledgement of receipt (advice of delivery) system must be used.

12   Once notification has been given regarding the petition, the respondent shall have ten days to reply to it. The reply must provide the information and cover the points listed below:

- the full name, e-mail address, postal address, and telephone and/or fax number of the respondent and of his or her representative if applicable (where there is a representative, a copy of the registration of the power of attorney must also be provided);

- a statement supporting the respondent's position as owner of the domain name, or a rebuttal of the petitioner's arguments;

- evidence in support of the respondent's right to own the domain name, together with any other assertions or arguments, in principle, with a view to demonstrating that the respondent has a legitimate interest in the domain name and that there is no connection between the registration of the domain name and the harm alleged by the petitioner;

- if bad faith on the part of the respondent has been alleged, evidence and arguments to rebut that allegation;

- any other evidence directly pertaining to the case that may help to give a clearer picture of the facts.

13   The petition, reply and any other communications may be sent by electronic means, and if there is physical documentation in hard-copy form that must accompany those communications then it shall be sent by physical means. If both electronic and physical means of communication are used, the period allowed for receiving the physical documentation shall be a maximum of five days from the receipt of the electronic communication. If the physical documentation arrives within that five-day period, then all the documentation shall be deemed to have been sent on the date on which the electronic communication was received and the proceeding shall go ahead. If the physical documentation fails to arrive within that five-day period, it shall be left entirely to the discretion of the Tribunal whether that documentation is to be included.

14   Once the reply has been received from the respondent, the Tribunal shall schedule a hearing with the parties to be held within a maximum of two weeks' time. The hearing may take place with all participants physically present at the same location, or with participants at different locations connected by electronic means. In the latter case, some means of communication must be used that makes it possible to verify the identity of the parties, such as private audio or video conference rooms or some other appropriate means.

15   The Tribunal shall have a maximum of 30 calendar days following the hearing to issue its decision.

16   The Tribunal may ask the parties or the administrator to provide additional evidence or documentation in connection with the proceeding, but it may on no account extend the deadline for issuing its decision.

17   If the parties resolve their dispute by means of agreement, negotiation, conciliation, arbitration or any other legally accepted means before the Tribunal has issued its final decision, the parties shall so notify the Tribunal by means of electronic or physical communications, and annex to that notification a document setting forth the manner in which the dispute has been resolved in accordance with the law, together with an express statement that they are withdrawing the case from the Domain Name Dispute Resolution Tribunal. If the dispute is resolved in this way, the proceeding shall be deemed terminated.

18   On no account shall the fee paid for the dispute resolution procedure be refunded if the case is withdrawn by either party or terminated for any other reason attributable to either party.

19   The Tribunal's final decision, when it is issued, shall be communicated immediately to the parties and to the administrator, which shall have 48 hours to put the decision into effect.

20   The only form of redress with respect to a decision by the Tribunal shall be a request that a case be reconsidered.

21   The Tribunal's decision may be published on a webpage specifically set up for that purpose provided that both parties expressly give their advance written consent. Such consent shall be requested by the Tribunal when it communicates its decision. If either party should fail to respond to the request, it shall be deemed to have withheld its consent. In that case, a summary of the decision may be published provided that it does not identify the parties or mention the domain name.

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