

Regulation on domain names under Norwegian country code top-level domains (The Domain Regulation)

Unofficial translation from Norwegian for information only. Legal authenticity remains with the original Norwegian version

This Regulation enters into force October 1, 2003

Laid down by Royal Decree pursuant to Sections 7-1 and 10-1, second paragraph, of Act No. 83 of 4 July 2003 on electronic communications (Electronic Communications Act). Submitted by the Ministry of Transport and Communications.

Section 1 Purpose

The purpose of this Regulation is to lay down a public law framework for entities which assign domain names under Norwegian country code top-level domains.

Section 2 Definitions

In this Regulation the following definitions apply:

- a. **country code top-level domain:** the highest domain in the hierarchy of the global domain name system in accordance with the 2-letter codes under the ISO 3166-1 standard,
- b. **registry:** any entity which by agreement with the international administrator of top-level domains is entitled to assign domain names under Norwegian country code top-level domains,
- c. **registrar:** an entity which has entered into an agreement with a registry concerning the right to submit applications and notifications of amendments to the registry on behalf of applicants for/holders of domain names under Norwegian country code top-level domains,
- d. **Domain Dispute Resolution Board:** an alternative dispute resolution board for domain names under Norwegian country code top-level domains,
- e. **registration data:** data about the applicant and the applicant's entity which is required in connection with applications and amendment notifications.

Section 3 Rules on the assignment of domain names

Each Norwegian country code top-level domain shall be administered by a single registry which shall lay down rules for the assignment of domain names (domain name policy) for the respective country code top-level domain. The registry shall not exercise public administrative authority, and assignments shall take place in accordance with private law rules.

The assignment rules shall be publicly available and, as a minimum, be designed in such a way that they:

- ensure cost effectiveness,
- ensure high technical quality,
- are non-discriminatory,
- are transparent,
- promote predictability,
- promote the interests of Internet users, individually and collectively, and
- promote national interests and take into account the international development in the Internet area.

Before the adoption or any significant amendment of the assignment rules opinions shall be sought from the users' representatives and the authorities. The Norwegian Post and Telecommunications Authority shall be informed of all amendments.

Section 4 Personal statement

The registry shall require applicants for registration of domain names under Norwegian country code top-level domains to submit a personal statement containing the applicant's confirmation that the registration and/or use of the domain name to be registered:

- are not contrary to the assignment rules (cf. Section 3),
- are not contrary to Norwegian law,
- do not conflict with the rights of third parties,
- do not give the unjustified impression that it concerns public administration or the exercise of authority.

The registry shall ensure that in the personal declaration the applicant agrees that

- disputes shall be able to be heard by a domain Dispute Resolution Board, and that
- the registry shall be able to withdraw a domain name which has been assigned when it is clear that the assignment is contrary to the first paragraph.

The contract between the registry and the applicant shall include provisions which restrict the registry's use of registration data in connection with the registration and maintenance of domain names.

Section 5 Registrars

The registry shall delegate parts of the registration process, including forwarding applications and notifications of amendments on behalf of applicants for and holders of domain names, to registrars, and shall promote competition between these by giving the same terms and conditions to all registrars.

Section 6 Back-up copies

The registry shall ensure that there are necessary back-up copies of all registration data. The back-up copies shall be handled in a secure way so that users do not suffer unnecessary harm.

Section 7 Procedures for the Domain Dispute Resolution Board

The registry is obliged to establish a domain dispute resolution board. If there are several registries, they shall set up a joint dispute resolution board.

The Domain Dispute Resolution Board shall be given authority to hear complaints:

- from applicants against the registry's decisions,
- from domain name holders towards the registry's decisions,
- from registries that names have been registered in conflict with the personal declaration (cf. Section 4, first paragraph),
- from third parties (cf. Section 4, first paragraph, letter c),
- from public bodies (cf. Section 4, first paragraph, letter d), and
- from the Norwegian Post and Telecommunications Authority that domain names have been registered in conflict with this Regulation.

The Domain Dispute Resolution Board shall have the opportunity to reject a complaint in accordance with rules that are further specified.

The registry is obliged to comply immediately with the Domain Dispute Resolution Board's decisions.

The registry shall ensure that the domain name cannot be transferred if mediation has been requested or while the case is pending with the domain Domain Dispute Resolution Board.

The registry may finance the domain Domain Dispute Resolution Board through an increase in the registration fee along with user fees paid by the appellant/complainant.

The registry shall issue procedures for the Domain Dispute Resolution Board in accordance with the principles in this Regulation.

The registry shall seek opinions from the users' representatives and the authorities before the adoption or any significant amendment of the procedures and before the members of the board are appointed. The Post and Telecommunications Authority shall be informed of all amendments.

The Domain Dispute Resolution Board's decisions shall be public with the exception of information relating to technical devices and procedures, as well as operational or business matters which for competition reasons it is important to keep secret in the interests of the person whom the information concerns.

The Domain Dispute Resolution Board shall hear disputes related to domain names that are registered after this Regulation has entered into force.

Section 8 Time limit for complaints

Complaints under Section 7, second paragraph, letters a and b, must be submitted within a month after the applicant or domain name holder was notified of the registry's decision. Other complaints under Section 7, second paragraph, must be submitted no later than 3 years after the registration of the domain name.

Section 9 Supervision and control

The Norwegian Post and Telecommunications Authority shall monitor compliance with the provisions of this Regulation (cf. Section 10-1 of the Electronic Communications Act).

If a registry fails to fulfil the requirements in this Regulation, the Norwegian Post and Telecommunications Authority may order the unlawful activity to cease, or the entity to be terminated, within a set time limit (cf. Section 10-6 of the Electronic Communications Act).

Section 10 Liquidation

In the event of the liquidation of its operations, the registry shall make arrangements to allow the registration activities to continue as before if possible. The registry shall ensure that all registration data is transferred to a new registry which fulfils the Regulation's requirements. If at the time of liquidation there is no entity that fulfils the Regulation's requirements, the Norwegian Post and Telecommunications Authority itself shall take over the registry's tasks until a new registry has been established.

The Norwegian Post and Telecommunications Authority may itself decide whether the registration activities in the interim period shall be conducted in accordance with the liquidated registry's assignment rules (cf. Section 3) and rules on dispute resolution bodies (cf. Section 7), or whether new rules shall be established. In the interim period the Norwegian Post and Telecommunications Authority shall be bound by this Regulation to the extent applicable.

Section 11 Dispensation

The Norwegian Post and Telecommunications Authority may grant exemptions from provisions in this Regulation when special reasons justify it.

Section 12 Sanctions

The Norwegian Post and Telecommunications Authority may impose coercive fines in accordance with Section 10-7 of the Electronic Communications Act.

Breaches of the Regulation may be punished in accordance with to Section 12-4 of the Electronic Communications Act.

Section 13 Entry into force

This Regulation shall enter into force October 1, 2003.

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