

ESTABLISHMENT AND DISESTABLISHMENT OF NEW SECOND LEVEL SUB-DOMAINS

APPLICATIONS FOR THE CREATION OF SECOND LEVEL DOMAINS OF ZA

- 1 Each application for a new Second Level Domain shall specify -
 - 1.1 the applicant, who should also be the administrative contact for a domain. The applicant shall be a legal persona, and shall consent to the jurisdiction of the South African courts in all matters relating to its dealings with the Authority;
 - 1.2 the proposed initial Registry for the domain; and
 - 1.3 the proposed initial Registrar or Registrars for the domain (the entities that intend to provide registration services for the domain).
- 2 No domain shall be accepted unless an initial Registry, and at least one initial Registrar is nominated.
 - 2.1 The initial Registry may be an existing Registry (one already licensed), the applicant itself, or an alternative organisation. The initial Registrar(s) may be any mixture of existing licensed Registrars, the applicant itself, and/or alternative organisations.
 - 2.2 where the proposed initial Registry is not a licensed Registry, or where any proposed initial Registrar is not an existing licensed Registrar, such proposed initial Registry or Registrar shall satisfy the Board that it meets the criteria for licensing.
 - 2.3 the Applicant may approach the Authority for assistance in securing an initial Registry and/or Registrar, where necessary.

3 Every application for a domain shall be accompanied by a proposed charter for the domain. No domain shall be created unless a charter has been approved by the Authority.

4 The application shall contain the following information -

4.1 Full details of the applicant (full name and company registration number where appropriate; physical, postal and email contact addresses; telephone and fax numbers)

4.2 the proposed name of the new domain;

4.3 a brief statement of the purpose of the domain (e.g. "The CROOK.ZA domain would provide a clear means for the vast number of disreputable individuals and enterprises in the country to identify themselves as such");

4.4 details of the proposed initial Registry. Where the proposed Registry is not the Applicant, the consent of an authorised representative of the Registry shall be included. Where the proposed Registry (including the Applicant, if appropriate) is not an existing licensed Registry, such additional details as are required by regulation 2(2) shall be provided in respect the proposed Registry;

4.5 details of the proposed initial Registrar(s). Where any of the proposed Registrars is not the Applicant, the consent of an authorised representative of each such Registrar shall be included. Where any of the proposed Registrars (including the Applicant, if appropriate) is not an existing licensed Registrar, such additional details as are required by regulation shall be provided in respect of each such Registrar;

4.6 a brief motivation, which should address each of the points in subparagraph (15) below;

4.7 a letter of support from a representative body that represent the majority of potential registrants in support of the new Second Level Domain.

5 A charter for a domain shall specify at least -

5.1 the name and purpose of the domain;

- 5.2 the criteria for acceptance of registration of names within the domain, including -
 - 5.2.1 which registrants may register names (e.g. 'The CROOK.ZA domain is open to all individuals who have been sentenced by a competent court for any crime involving a jail term without the option of a fine');
 - 5.2.2 how many names a registrant may register, and what form these names must take (e.g. 'Registrants in CROOK.ZA may register any number of names, provided that they were using the name as an alias at the time of their arrest and/or conviction.');
 - 5.2.3 the process to determine whether a proposed name within the Second Level Domain meets the criteria for registration. This might, for example, require consulting or obtaining documentation from a third party body such as the Law Society or the Registrar of Trademarks; and
 - 5.2.4 the process to determine if a Registrant has the right to the intellectual property of a sub-domain within the Second Level Domain.
 - 5.3 details of the management of the policy of the domain: is the policy to be managed by the company, or by some other means (committee of registrants, etc.);
 - 5.4 additional requirements, if any, which pertain to Registrars wishing to be licensed to register names in the domain; and
 - 5.5 the manner in which name service for the domain is to be provided
- 6 The charter, together with these procedural rules, forms the contractual basis of name registration in a domain and may only be amended by agreement between the Authority and the Registry.
 - 7 No Registry or Registrar may be licensed for a domain unless they agree in writing to adhere to the charter of the domain when providing their respective services to it.
 - 8 No registrant shall register a name in any Second Level Domain unless they sign acceptance of the terms of the charter and the procedures outlined in this

document. This acceptance would typically be included in the application form that registrants fill in to apply for a name (wording along the lines of 'I hereby acknowledge that I have read and understood the charter of the XXX.ZA domain, along with the procedures and rules for the conduct of the ZA namespace, and I agree to abide by it' may be sufficient). Every registrant shall also assent to the jurisdiction of the South African courts.

- 9 Each Registrar shall ensure that all registrants whose registrations they process conform to the provisions of sub-paragraph (8) above. The Authority reserves the right to order the deletion of any domain whose registrant has not assented to the charter of the Second Level Domain above it, or to these regulations, and the Registrar who processed the registration shall indemnify the Authority against any claim for damages arising from such deletion.
- 10 Any subsequent alterations to a charter must be approved by the Authority before they may be effected.
- 11 The successful application for a domain does not confer any 'right' to the domain, or 'ownership' of the domain.
- 12 Domains should normally be open to any Registrars who wish to be licensed to register names in that domain, not just to the initial Registrars. Applicants may propose additional criteria which Registrars should follow (e.g. 'Any Registrar of names in the CROOK.ZA domain must check SA Prisons Services records to confirm validity of the application before registering a name').
- 13 Notwithstanding compliance with the criteria above, the Board may in its sole discretion refuse to process an application which is in its view frivolous or offensive; provided that it shall provide a list of names thus rejected on its public Internet site (except where such names are obscene and/or offensive).
- 14 Upon receipt of an application which meets the criteria above by the Authority, it shall be posted on the Authority's public Internet site for a period of no less than thirty (30) days to allow public comment.

- 14.1 The facility for public comment shall be structured in such a manner as to make comments immediately available to the public view, to allow a more interactive comments process.
- 14.2 members of the public should, however, be allowed to specify that their comments remain confidential; in which event such comments and their authors shall be revealed only to the Authority, authorised employees and agents of the Authority, and the Applicant.
- 14.3 notification of this posting shall be sent to all currently serving directors, and to all members who have asked to receive Authority notifications.
- 15 The ultimate decision to accept or reject an application rests with the Authority, who will take the following into consideration when deciding whether to accept the application -
 - 15.1 The extent to which creation of the domain would benefit the public, or the subsection of the public to whom the domain pertains;
 - 15.2 the appropriateness of the proposed name (for example, 'CROOK.ZA' would be appropriate for a domain for the criminal element; 'HONESTSOULS.ZA' would not);
 - 15.3 the size of the population of the domain (for example, the domain 'BLIKKIESDORPSHOPS.ZA', designed to serve the eleven traders in the Blikkiesdorp area might be rejected as too small). When considering a 'small' domain, the Authority shall consider recommending the creation of a larger Second Level Domain with a sub-structure where appropriate to accommodate the need (in the example above, the Authority might recommend the creation of a SHOPS.ZA domain, with geographical subdivisions 'BLIKKIESDORP.SHOPS.ZA', etc);
 - 15.4 the likelihood of significant delegation;
 - 15.5 the prevention of unnecessary overlap in the namespace (if 'CRIMINAL.ZA' already existed, the application for 'CROOK.ZA' would serve little purpose; 'CROOK.ZA', though in a sense catering for a proper subset of the community for 'NOM.ZA', nonetheless might be deemed not to 'overlap' with it, since it caters for an independently identifiable subset that is worthy

- of separate identification and which might not lend itself to a sub-structure of the form CROOK.NOM.ZA);
- 15.6 the appropriateness of the charter to the purpose of the domain;
 - 15.7 the permanence of the domain, and the measures in place to ensure its continuity;
 - 15.8 the risks involved to the population that the domain serves, to the Internet community, and to the Authority, if the Applicant and/or the initial Registrars cease to maintain the domain;
 - 15.9 any trademark or other intellectual property rights issues; and
 - 15.10 any public comments received.
- 16 The Authority may -
- 16.1 accept an application;
 - 16.2 accept an application subject to specific conditions or alterations;
 - 16.3 refer an application back to the Applicant with comments; or
 - 16.4 reject an application.
- 17 In all cases, the Authority shall notify the Applicant of its decision, along with suitable grounds for this decision, within seven (7) days of the decision being made. Within seven (7) days after the Applicant has been notified, the board shall publish its decision, and the grounds therefore, on its public Internet site.
- 18 Each application for the creation of a new domain shall be accompanied by a non-refundable application fee determined by the Authority.

COMMISSIONING AND ACTIVATION OF NEW SECOND LEVEL DOMAINS

- 19 Once the creation of a new domain has been approved, it must be successfully commissioned before the Authority activates it.
- 20 The commissioning of a domain is the responsibility of the applicant, together with the initial Registry and Registrars. It involves the following -

- 20.1 Establishment of the necessary database and other structures to store information about the domain;
 - 20.2 Establishment of nameservers with due regard to geographic spread and best practices for example there should be at least five (5) initial nameservers (NS) for the domain of which at least two shall be located on physically separate networks within South Africa, and the others in continental USA, Europe and Asia/ Australasia respectively; and
 - 20.3 Establishment of all necessary registration mechanisms for the domain.
- 21 The 'activation' of the domain is performed by or on behalf of the Authority once it is satisfied that the requirements for commissioning have been satisfied, along with any additional requirements which may be set by the Authority. Activation involves -
- 21.1 entry of the final details for the Second Level Domain in the central database for ZA; and
 - 21.2 entry of the necessary records in the master zone file for ZA to perform the appropriate delegation for the domain.
- 22 No domain will be activated unless it has been successfully commissioned. If a domain is not commissioned within thirty (30) days of the application being approved, the approval shall lapse.
- 23 The Authority shall make reasonable efforts to ensure that a domain is activated within fourteen (14) days of its being satisfied of the successful commissioning thereof. It is the responsibility of the Applicant to inform the Authority when the domain has been commissioned.
- 24 The Authority shall update the ZA 'whois' database to reflect the information about the new Second Level Domain.
- 25 The Authority or its agent acting for the Authority shall at all times be permitted to do zone transfers from each and every one of the nameservers that serve each and every Second Level Domain.

DELETION OR RE-DELEGATION OF DOMAINS

- 26 The Authority may at its discretion delete or re-delegate a registered domain -
- 26.1 if name service for a domain ceases;
 - 26.2 if there has been insufficient delegation in a domain within a year of its creation;
 - 26.3 upon request of a reasonably significant number of registrants or potential registrants that qualify for registration in terms of the charter of that domain;
 - 26.4 upon failure of all domain Registrars to pay the annual domain levy; and
 - 26.5 for any other reason determined by the Authority to be in the public interest.
- 27 In considering the deletion or re-delegation of a domain, the Authority shall foremost consider the interests of the community which the domain is supposed to serve, and in particular the existing registrants within that domain.
- 28 Re-delegation has a significantly lower impact on existing registrants than the complete deletion of a domain. The Authority shall consider re-delegation in preference to deletion in all cases. The Authority shall make reasonable efforts to find an alternative solution before deletion is considered.
- 29 If the Authority considers deleting or re-delegating a domain as the result of the action or neglect of any entity, that Authority shall attempt to notify the entity of its intentions, and allow the entity a minimum of thirty (30) days to rectify the situation.
- 30 Where the Authority contemplates re-delegating a domain, it must first -
- 30.1 attempt to notify the currently registered contacts for the domain, the Registry and the Registrars in the domain, at least thirty (30) days before the date of the proposed re-delegation. Notification shall be made to the contact addresses supplied by the original Applicant, the Registry and the Registrars in their respective applications (or as subsequently amended by written notice to the Authority);
 - 30.2 publish a notice of its intention to delete the domain on its public Internet site at least thirty (30) days before the date of the proposed re-delegation,

to allow public comment. Notification of this posting shall be sent to all currently serving directors, and to all members who have asked to receive Authority notifications; and

30.3 make reasonable efforts to notify the registrants within the domain, and any other interested parties.

31 Where the Authority contemplates deleting a domain, it must first -

31.1 attempt to notify the currently registered contacts for the domain, the Registry and the Registrars in the domain, at least sixty (60) days before the date of the proposed re-delegation. Notification shall be made to the contact addresses supplied by the original Applicant, the Registry and the Registrars in their respective applications (or as subsequently amended by written notice to the Authority);

31.2 publish a notice of its intention to delete the domain on its public Internet site at least sixty (60) days before the date of the proposed deletion, to allow public comment. Notification of this posting shall be sent to all currently serving directors, and to all members who have asked to receive Authority notifications.; and

31.3 make reasonable efforts to notify the registrants within the domain, and any other interested parties.

EMERGENCY SUSPENSION AND RE-DELEGATION OF DOMAINS

32 Notwithstanding the above, the Authority may immediately suspend or alter the details of the registration of a domain on a temporary basis -

32.1 if the existing operators of a domain either cease to provide domain name service for the domain; or

32.2 if the manner of operation of the domain presents an immediate and serious threat to the integrity of the naming system in South Africa or globally, and/or to existing and potential registrants in the domain.

33 As soon as possible after the temporary suspension or re-delegation of a domain, but in any event within forty-eight (48) hours, the Authority shall

publish on its public Internet site notification of such re-delegation or suspension, along with its reasons for so doing.

- 33.1 wherever possible, the Authority shall arrange for such publication to occur before, or simultaneously with, the re-delegation or suspension of the domain in question;
- 33.2 the Authority shall make reasonable efforts to notify the administrative contact, the Registry, the Registrars and the registrants in a domain prior to, or as soon as possible after, a temporary suspension or re-delegation. Should the Authority make such attempts at notification after the fact, it shall take cognisance of the possibility that any suspension may affect the ability to communicate electronically with the various parties named above.
- 34 The Authority shall make reasonable efforts to resolve whatever situation led to its decision to re-delegate or suspend a domain temporarily, including but not limited to the initiation of appropriate procedures in terms of paragraph 26 above.
- 35 The Authority in all of its actions shall attempt to minimize inconvenience to existing registrants in an affected Second Level Domain.