



POLICY AND PROCEDURES FOR THE .ZA DOMAIN NAME SPACE

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1 Introduction

1.1 Background

- 1.1.1 The Electronic Communications and Transactions Act (ECT Act) No. 25 of 2002 provides for the establishment of the .za Domain Name Authority (“the Authority”) and gives it a mandate to manage and administer the .za domain name space. Amongst other functions, the Authority is responsible for the licensing and regulation of registries, and the publication of the requirements and procedures for domain name registration.
- 1.1.2 The Board conducted a consultation process through the publication of the “Discussion document on .za Domain name Policy and Administration.” An analysis of responses received from the stakeholders and other inputs lays the basis for the policy and led to the adoption of the following key policy positions by the Board:
- 1.1.2.1 Maintenance of domain name registrations at the third level in the “.za” TLD.
- 1.1.2.2 Separation of the roles of registry operator and registrar.
- 1.1.2.3 Possibility of appointing a single registry operator to manage all open sub-domains where circumstances of the security, stability and reliability of the .za domain and of the domain name system (DNS) in general, and where circumstances of public interest, justify the appointment of a single operator.
- 1.1.2.4 Registrars and registry operators should be licensed on non-discriminatory basis, while resellers shall be appointed by the registrars and shall have no contractual relationship with the Authority and registry operators.
- 1.1.2.5 Responsibility of the Authority to develop policy and regulations with inputs from members and communities within and outside the Internet community.
- 1.1.2.6 The Authority shall consider applications for new sub-domains subject to applicants satisfying the requirements stipulated by this policy and procedures.
- 1.1.2.7 First-come first-served basis allocation of domain names except in the case of restricted names. Conflicts will be resolved through a dispute resolution process to protect “rightful” holders of names.
- 1.1.3 To this end, the Authority has developed policies and procedures to govern the allocation and management of domain names under .za name space
- 1.1.4 These procedures are in line with the agreed guiding principles of the Authority and views of the Internet community obtained from the public consultation, which are:
- 1.1.4.1 *Public Interest* – domain names should be registered in an efficient and timely manner, and the .za name space should be managed in a competitive manner, to adequately cater for the needs of all South Africans including communities that are currently served and not served by the .za domain
- 1.1.4.2 *Accessibility* - the Authority should ensure equitable and affordable access to .za domain names and promote less costly registration and dispute resolution procedures.
- 1.1.4.3 *Fairness* – the Authority will ensure that registration policies and procedures are equitable and fair to all eligible registrants who wish to register domain names. Policies and procedures should be published, and applied consistently and in a non-discriminatory manner.
- 1.1.4.4 *Competition* – there is a need to create a competitive domain name marketplace by introducing aspects of competition and choice at the right levels.

- 1.1.4.5 *Stability, security and reliability* - the Authority should ensure that .za domain name service is continuously available with proper management of name servers and .za registry database. The Authority must strive to comply with the technical requirements as well as international standards at all times.
- 1.1.4.6 *Transparency* – the Authority should remove uncertainties and complexities by putting in place transparent, simple and well defined registration processes.
- 1.1.4.7 *Financial sustainability* - the Authority should adopt a business model that will sustain domain name registration services, while setting prices for its services at reasonable levels;
- 1.1.4.8 *Consultation* - the .za domain space governance should be fully representative including the interests of all relevant stakeholder interests. The Authority should allow stakeholder participation in its policy development processes.
- 1.1.4.9 *Compliance with legislation aimed at redressing past imbalances* – the Authority should strive to remove barriers to entry for small players and for the previously disadvantaged individuals by enforcing compliance with the Broad-Based Black Economic Empowerment, skills development, and employment equity legislation by the licensed registry operators and registrars.

1.2 Objective

- 1.2.1 The objective of this document is to outline the policies and procedures to be followed by the Authority in the administration and management of .za name space. These policies and procedures have taken into account public consultation, the local context, situation in South Africa and best international experiences.

1.3 Definitions

- 1.3.1 "Authority" means the .ZA Domain Name Authority, as established by Chapter X of the ECT Act; its functions are contained in section 65 of this Act;
- 1.3.2 "BBBEE" means the Broad-Based Black Economic Empowerment Act no. 53 of 2003;
- 1.3.3 "BEE" means Black Economic Empowerment;
- 1.3.4 "ccTLD" means a country code domain at the top level of the Internet's domain name system assigned according to the two-letter codes in the International Standard ISO 3166-1 (Codes for Representation of Names of Countries and their Subdivision);
- 1.3.5 "Charter" is the 'constitution' of a sub-domain, specifying inter alia the purpose and nature of the domain, the criteria for registration of names within the domain, and the manner of administration of the domain;
- 1.3.6 "Closed sub-domain" means a sub-domain which has been licensed for internal use by a single organization or group or related organizations.
- 1.3.7 "Domain name" means an alphanumeric designation used to identify an Internet resource as part of the global domain name system;
- 1.3.8 "Domain name system" or "DNS" is the system used to relate domain names to Internet protocol addresses and other information;
- 1.3.9 "ECT Act" means the Electronic Communications and Transactions Act, No. 25 of 2002;
- 1.3.10 "IANA" means the Internet Assigned Numbers Authority which is a United States-based service provider contracted by ICANN to manage the DNS on a daily basis;

- 1.3.11 "ICANN" means the Internet Corporation for Assigned Names and Numbers, a California non-profit public benefit corporation established in terms of the laws of the state of California in the United States of America. It has responsibility for the Internet Protocol address space allocation, protocol identifier assignment, generic Top Level Domains (gTLD), country code Top Level Domain name system management, and root server system management;
- 1.3.12 "ISP" is an abbreviation for Internet Service Provider;
- 1.3.13 "Open sub-domain" means a sub-domain which has been licensed to register names for the public or unrelated organizations.
- 1.3.14 "Registrant" means an applicant for or holder of a domain name;
- 1.3.15 "Registrar" means an entity licensed by the Authority to update the repository;
- 1.3.16 "Registry" means an entity licensed by the Authority to manage and administer a database for a .za sub-domain or repository for the .za domain;
- 1.3.17 "Repository" means the primary register of information relating to the .za domain;
- 1.3.18 "second-level domain" or "SLD" means the sub-domain immediately under the ccTLD;
- 1.3.19 "Sub-domain" means any subdivision of the .ZA domain name space;
- 1.3.20 ".ZA domain name space" means the .ZA ccTLD and all sub-domains thereof;
- 1.3.21 ".zaDNA" means the .za Domain Name Authority in the same manner as "Authority".

1.4 Enforceability

- 1.4.1 Registration of a domain name will be subject to the holder accepting the terms of this domain name policy document and additional terms and conditions specified by the Authority. By registering .za domain names, holders further subject themselves to South African laws and courts in matters related to the .za ccTLD.
- 1.4.2 Unless an exception is approved by a decision of the.za DNA Board, these policies and procedures apply from a date to be announced in the Government Gazette. The date will not be less than three months after publication of these policies and procedures in the Gazette.

2 The Authority

2.1 Registration with ICANN

- 2.1.1 In December 2004, the Internet Corporation for Assigned Names and Numbers (ICANN) approved the re-delegation of the .za ccTLD (country code Top Level Domain) from the previous administrator to the Authority.
- 2.1.2 The Authority is required to meet its international obligations as set out in the ICANN by-laws, technical standards set out in various Requests for Comment (RFC), and other existing and future technical standards.

2.2 ECT Act

2.2.1 Licensing a single registry operator

- 2.2.1.1 The Authority reserves the right to license a single applicant to operate more than one (1) or all of the open sub-domains if this will be in the public interest and in the

interest of stability, security, integrity and reliability of the .za name space and of the Internet in general.

- 2.2.1.2 In such a case, the Authority shall select the single operator through an open or closed tender process. The single operator must satisfy all the licensing requirements for registry operators.
- 2.2.1.3 The Authority must provide reasons behind a decision to appoint a single operator for more than one (1) sub-domain.
- 2.2.1.4 Closed sub-domain licensees or applicants shall be free to have their domains operated by the single registry operator.

2.2.2 Operation of registry by the Authority

- 2.2.2.1 The Authority reserves the right to take over registry operation of any sub-domain on a temporary basis, if this will serve and protect registrars, registrants, public interest and the security and stability of the .za name space and of the domain name system.
- 2.2.2.2 Such temporary arrangement must not continue for more than two (2) years. Within this period, the Board must license another registry operator to operate the registry.

2.3 Other domain name policy considerations

- 2.3.1 The Authority should consult all interested stakeholders in determining policy.
- 2.3.2 Both existing open and closed domains should be chartered and should adhere to principles determined in the policy for sub-domains.
- 2.3.3 The Authority shall approve charters in line with its policy and principles.
- 2.3.4 The policy will not deal with issues related to dispute resolution as these are to be dealt with separately in the regulations to be published by the Minister of Communications.
- 2.3.5 The Authority shall, in consultation with its members and licensed registry operators and registrars, develop further specific policies, procedures, rules and regulations to improve the management of the .za domain name space. These shall include, but are not limited to, the following:
 - 2.3.5.1 Transfer of domain registrations between registrars.
 - 2.3.5.2 Resolution of disputes regarding domain registration transfers.
 - 2.3.5.3 Resolution of disputes between registry operators and registrars.
 - 2.3.5.4 Resolution of disputes between licensees and the Authority.
 - 2.3.5.5 Whois policy.
 - 2.3.5.6 Rights and usage of data.
 - 2.3.5.7 Reserved names.
- 2.3.6 In addition to the policies, rules, regulations and procedures of the Authority, the registry operator shall introduce its policies and administrative procedures to facilitate management of the registry. Such policies and procedures must be consistent with those of the Authority, and must be approved by the Authority.

2.4 Fee structure

- 2.4.1 Domain registration fees will be set independently by registrars.
- 2.4.2 Registrars will pre-pay the Authority for the desired number of new or renewed names.
- 2.4.3 The registry will provide domain name services on cost recovery basis.
- 2.4.4 The right to use a domain name is subject to payment of:
 - 2.4.4.1 The creation cost;
 - 2.4.4.2 Periodic maintenance cost ; and
 - 2.4.4.3 Costs relating to the Authority's work.
- 2.4.5 All work carried out by the Authority is invoiced on the basis of the administrative acts, with the exception of technical and administrative modifications.
- 2.4.6 Costs incurred by the Authority's work, as invoiced to the registrars, are approved by the Authority's Board of Directors.
- 2.4.7 License fees to be determined by the Authority must be paid by registry operators and registrars on application for a license.
- 2.4.8 Annual domain name renewal fees must be paid by registrants to the Authority through registrars, and the Authority will pay registry's costs on a monthly basis.
- 2.4.9 The fee schedule will be determined by the Board and will be reviewed on an annual basis as part of the annual general meeting of the Authority.

3 Domains

3.1 Role

- 3.1.1 The .za domain name space contains a limited number of carefully selected second level domains.

3.2 Application / Licensing of new sub-domains

- 3.2.1 A new sub-domain under .za may be licensed provided it serves a public interest that is not served by the current sub-domains.
- 3.2.2 A new sub-domain shall not be created for the exclusive interest of a person or organisation applying for licensing; it shall serve at least a significant portion of the public not currently served by the existing sub-domains.
- 3.2.3 A clear and well defined operational, administrative and technical plan shall be provided in the application for a new sub-domain to prove that the sub-domain shall be able to contribute to stability, security, integrity, competition and increased access under .za and in the domain name system as a whole.
- 3.2.4 Entities intended to perform specific roles (operational, administrative and technical) should be listed.
- 3.2.5 New sub-domains shall allow all interested licensed registrars to register domain names provided the registrars consent in writing to adhere to the charter and other requirements of the sub-domain.
- 3.2.6 In particular, an application for a new sub-domain shall provide the following:
 - 3.2.6.1 An administrative contact for the sub-domain who shall be the applicant itself. The applicant shall be a legal person.

- 3.2.6.2 Full details of the applicant, which shall include the applicant's full name and company registration number where appropriate, physical, postal and email contact addresses; telephone and fax numbers.
- 3.2.6.3 A proposed mission statement of the new sub-domain.
- 3.2.6.4 A brief motivation providing reasons why the sub-domain should be licensed. The Board will consider in particular the following in the motivation:
 - 3.2.6.4.1 The manner in which the new sub-domain will benefit the public or the intended community section of the public.
 - 3.2.6.4.2 The size of the community to be served by the sub-domain. Should the proposed sub-domain be considered to be small, the Board may decide to create a larger sub-domain with a sub-structure, where appropriate, to cater for the needs of the intended community (for example, where the proposed sub-domain is "*southcoastfarmers.za*" which is intended to accommodate nine farmers, the Board may decide to create a new sub-domain called "*farmers.za*" with a sub-division called "*southcoast.farmers.za*").
 - 3.2.6.4.3 The suitability of the proposed name of the sub-domain.
 - 3.2.6.4.4 The potential of the sub-domain to continue existence and operation permanently or over a significant period of time.
 - 3.2.6.4.5 The likelihood of significant delegation.
 - 3.2.6.4.6 The manner in which the sub-domain is different from existing ones. This is intended to prevent overlap between sub-domains.
 - 3.2.6.4.7 The risks and/or problems that the sub-domain may bring to its intended community, the .za name space, domain name system, and the Internet as a whole, should the sub-domain fail to continue operating.
 - 3.2.6.4.8 The charter, as defined in 3.2.6.11, and its suitability to the mission of the sub-domain.
 - 3.2.6.4.9 Any intellectual property or trademark problems that may arise.
 - 3.2.6.4.10 Public comments and concerns received in response to the proposed creation of the new sub-domain.
- 3.2.6.5 The manner in which the name service and technical facilities will be provided.
- 3.2.6.6 Submission to the jurisdiction of South African courts in relation to all matters pertaining to the administration of the sub-domain and for the better management of the .za name space.
- 3.2.6.7 Submission to the policies, procedures, rules and regulations of the Authority, including changes to these which the Authority may introduce from time according its statutory mandate.
- 3.2.6.8 Nomination of at least one registrar intending to offer domain name registration services for the sub-domain, provided the registrar provides a written consent to comply with the sub-domain charter and is licensed by the Authority.
- 3.2.6.9 An undertaking to allow other licensed registrars to register domain names under the charter provided they consent in writing to comply with the sub-domain charter. The registry operator for the sub-domain may list additional requirements for registrars, provided the additional requirements are not in conflict with this policy, procedures, rules and regulations of the Authority.
- 3.2.6.10 The name, contact, registration and other details of an entity proposed to be a registry operator for the sub-domain.

- 3.2.6.10.1 The proposed registry operator shall also apply to be licensed by the Authority. Should the license not be obtained, the new sub-domain will not be licensed unless the applicant nominates another operator, subject to such operator obtaining a license to operate the registry.
- 3.2.6.10.2 The applicant shall be free to nominate an entity already licensed to administer another .za registry.
- 3.2.6.10.3 The applicant is free to propose itself to be the registry operator.
- 3.2.6.11 A charter for the sub-domain which shall provide:
 - 3.2.6.11.1 The name and purpose of the new sub-domain.
 - 3.2.6.11.2 The proposed manner in which the sub-domain will be structured.
 - 3.2.6.11.3 Eligibility criteria which will be used to assess domain name applications under the sub-domain. This should include:
 - 3.2.6.11.3.1 Proposed structure of the sub-domain.
 - 3.2.6.11.3.2 Maximum number of domain names registrants may register.
 - 3.2.6.11.3.3 The kind or nature of applicants who may register domain names in the sub-domain.
 - 3.2.6.11.3.4 Registration criteria to ensure that the proposed name qualifies for registration in the sub-domain.
 - 3.2.6.11.4 A policy development framework which outlines how policy for the sub-domain shall be developed and implemented (e.g. will it be developed by the registry operator or will it be developed in consultation with registrants and registrars?).
 - 3.2.6.11.5 A dispute resolution mechanism that will be used to resolve disputes or appeals against the actions of the registry operator in the course of its registry business. This should outline the following in particular:
 - 3.2.6.11.5.1 The manner of resolving disputes (this may usually be by involving a neutral third party on arbitration or expert determination basis).
 - 3.2.6.11.5.2 The nature of people to be consulted, which people shall only be utilized with the consent of the Board. Such people can be appointed by the Board upon the registry operator's request, in which case the registry operator shall bear the costs and indemnify the Authority from any arising claim or liability.
 - 3.2.6.11.5.3 The manner in which costs shall be apportioned, which manner may be determined by the consulted person.
 - 3.2.6.11.6 Additional requirements which should be satisfied by registrars wishing to be accredited to register domain names in the sub-domain.
 - 3.2.6.11.7 The applicant for a new sub-domain may choose to use already existing alternative dispute resolution mechanisms provided by the Authority to resolve disputes in other .za sub-domains.
- 3.2.7 No alteration to the charter shall be made until a written approval is obtained from the Authority. It is the responsibility of the sub-domain operator to apply to the Authority for alteration to the charter, and the application must provide reasons why the alteration is desired.
- 3.2.8 No alteration to a sub-domain charter shall be permitted if it will lead to an overlap with another licensed sub-domain.
- 3.2.9 No registrar shall be allowed to register names in a sub-domain unless it consents in writing to comply with the sub-domain charter. Such consent shall be included in

the application form which the registrar submits to the registry operator to apply for accreditation to register names in the sub-domain.

- 3.2.10 No registrant shall be allowed to register a name in a sub-domain unless they consent in writing to the terms and conditions of the sub-domain charter and to the policies, rules, regulations and procedures of the Authority, including those contained in this document. Such consent shall be included in the application form which the registrant submits, through a registrar, to apply for a domain name in the sub-domain.
- 3.2.11 It is the responsibility of registrars to ensure that registrants consent to the sub-domain charter and the policies, rules, regulations and procedures of the Authority. Failure to do so shall allow the Authority or registry operator to delete domain names of registrants which fail to consent, and should the Authority or registry operator take such step, the registrar indemnifies the Authority or registry operator against any claim arising from the deletion.
- 3.2.12 The granting of license for a new sub-domain does not give "ownership" or "right" to the applicant or sub-domain operator (where the applicant and operator are separate).
- 3.2.13 Upon reception of an application for a new sub-domain, the Authority shall check whether or not all the information and explanations required in terms of the application requirements have been provided to enable the Board to thoroughly assess the application. If the applicant fails to provide all the information, the applicant shall be asked to provide the outstanding information within ten (10) working days. Should the information not be provided within the stipulated period, the application shall be presumed to have been withdrawn.
- 3.2.14 Once all the required information is provided, the Authority shall post the application on its website for a period of not less than twenty (20) working days to allow public comment.
- 3.2.15 Public comments shall be made available on the Authority's website to allow for an interactive discussion. Where confidentiality is requested the comments shall be revealed only to the Board, the employees and agents of the Authority, and the applicant.
- 3.2.16 The ultimate decision regarding acceptance or rejection of the application is the sole responsibility of the Board, which will take into consideration public comments received prior to making its decision. The Board must assess the application using requirements listed herein.
- 3.2.17 The Board reserves a right not to process an application which in its view is offensive, frivolous, nonsense, or discriminatory against a certain sector of the public.
- 3.2.18 The Board, having considered an application, may:
 - 3.2.18.1 Accept an application.
 - 3.2.18.2 Accept an application subject to specific conditions, amendments or alterations.
 - 3.2.18.3 Refer an application back with comments.
 - 3.2.18.4 Reject an application.
- 3.2.19 The Board shall, within ten (10) working days of the decision having been made, notify the applicant in writing of the decision. Such notification shall provide reasons for the decision.
- 3.2.20 Within seven (7) working days after notifying the applicant, the decision, together with the reasons therefore, shall be published on the website of the Authority.

- 3.2.21 The Authority reserves a right to seek expert advice in assessing an application, and to conduct its own investigation to verify certain claims made by the applicant in its application.
- 3.2.22 The applicant must provide with the application a non-refundable application fee to the Authority, which shall be used to recover the costs of evaluating the application. The Board reserves a right to revise the application fee from time to time and to waive the fee if it considers this to be in the public interest.

3.3 Commissioning and activation of new sub-domains

- 3.3.1 Once the Board approves the creation of a new sub-domain, the applicant, together with the chosen registry operator and initial registrars, shall be responsible to successfully commission the sub-domain.
- 3.3.2 The sub-domain must be commissioned within six (6) months after the applicant is notified of the acceptance of its application.
- 3.3.3 The commissioning of the sub-domain usually involves the following deliverables:
 - 3.3.3.1 Establishment of the necessary databases and other technical infrastructure to be used for sub-domain data storage.
 - 3.3.3.2 Establishment of at least three (3) name servers for the sub-domain, of which two (2) must be located in South Africa and one (1) outside South Africa.
 - 3.3.3.3 Availability of personnel to manage the daily operations
 - 3.3.3.4 Establishing all necessary registration and business processes for the sub-domain.
 - 3.3.3.5 Satisfaction of any additional requirements set by the Board in accepting the application.
- 3.3.4 Unless a sub-domain is successfully commissioned within the stipulated period to the satisfaction of the Board, it shall not be activated.
- 3.3.5 Failure by the applicant to commission the sub-domain within the stipulated period shall cause the approval of its sub-domain to lapse. Should the applicant wish to commission it after the stipulated period, the applicant shall be liable to pay a fine which shall be determined by the Authority
- 3.3.6 The applicant shall be responsible for notifying the Authority in writing when the sub-domain has been commissioned.
- 3.3.7 Once the Authority is satisfied that the sub-domain is successfully commissioned, it must activate the sub-domain within twenty (20) working days. Activation usually involves:
 - 3.3.7.1 Entry of the final details for the sub-domain in the central database for the .za name space.
 - 3.3.7.2 Entry of the necessary records in the master zone file for the .za name space to perform appropriate delegation for the sub-domain.

3.4 Deletion and re-delegation of domains

- 3.4.1 The Board may at its discretion delete or re-delegate a registered domain based on the following non-exhaustive instances:
 - 3.4.1.1 If name service for a domain ceases.
 - 3.4.1.2 Upon failure of the registry to pay the annual domain levy.

- 3.4.1.3 Upon a legal ruling or decision pronounced in the alternative dispute resolution procedure.
- 3.4.1.4 For any other reason determined by the Authority to be in the public interest.
- 3.4.2 If the Authority considers deleting or re-delegating a domain name as a result of the action or neglect of any registry operator, it shall attempt to notify the operator of its intentions and allow the operator a minimum of twenty (20) working days to rectify the situation.
- 3.4.3 Where the Authority contemplates re-delegating a sub-domain name, it must first:
 - 3.4.3.1 Attempt to notify the currently registered contacts for the domain, and the registrars, at least twenty (20) working days before the date of the proposed re-delegation. Notification shall be made to the contact addresses supplied by the original applicant and the registrars in their respective applications (or as subsequently amended by written notice to the Authority).
 - 3.4.3.2 Publish a notice of its intention to delete or re-delegate the sub-domain on its website at least twenty (2) working days before the date of the proposed re-delegation, to allow public comment. Notification of this posting shall be sent to all members who have asked to receive Authority notifications.
- 3.4.4 The decision to delete or re-delegate a sub-domain is the sole responsibility of the Authority, which it shall discharge having considered comments received from the public and its members.

3.5 Emergency suspension and re-delegation of names

- 3.5.1 Notwithstanding the above, the Authority may immediately suspend or alter the details of the registration of a domain name on a temporary basis based on the following. This list is not exhaustive:
 - 3.5.1.1 If the existing operator of a domain ceases to provide domain name service for the domain; or
 - 3.5.1.2 If the manner of operation of the domain presents an immediate and serious threat to the integrity of the domain naming system in South Africa or globally;
 - 3.5.1.3 In the event of a legal ruling ordering a suspension of operations, supported by a temporary execution or some judgement; and
 - 3.5.1.4 Upon the instigation of the alternative dispute resolution procedure.
- 3.5.2 The Authority shall make reasonable efforts to notify the administrative contact, the registrars and the registrants in the 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.
- 3.5.3 The Authority shall make reasonable efforts to resolve whatever situation led to its decision to re-delegate or suspend a domain name temporarily.
- 3.5.4 The Authority in all of its actions shall attempt to minimise inconvenience.
- 3.5.5 If a suspension or re-delegation is likely to affect a significant number of users or systems, the Authority shall publish on its website notification of such re-delegation or suspension, along with its reasons for so doing.

4 Licensing of Registries and Registrars

4.1 Background

- 4.1.1 The licensing process aims at setting minimum requirements, standards and obligations to be adhered to by registries and registrars in order to ensure the integrity, stability and continuity of the .za domain system.
- 4.1.2 This section stipulates basic requirements which applicants should satisfy. The Authority will, in addition to these requirements, promulgate licensing regulations listing clear technical requirements and licensing fees.

4.2 Registry operator role

- 4.2.1 The registry operator must:
 - 4.2.1.1 Preserve security and stability of the .za DNS and of the DNS in general.
 - 4.2.1.2 Comply with and implement the policies, rules, regulations and procedures of the Authority in the administration of the .za domain space.
 - 4.2.1.3 Manage and keep up to date registry data by utilising globally accepted standards and measures in registry data management.
 - 4.2.1.4 Manage registry operations, which shall include handling .za domain name registrations, provision of suitable DNS infrastructure, maintenance of technical and operational records, and registration payments.
 - 4.2.1.5 Pay license, registration and renewal fees to the Authority.
 - 4.2.1.6 Provide a port 43 Whois service providing free public query-based access to up-to-date data concerning all active registered names in the registry.
 - 4.2.1.7 Submit an electronic copy of the registry database to the Authority or, at the registry operator's election and at its expense, to a reputable escrow agent mutually approved by the registry and the Authority at agreed intervals.
 - 4.2.1.8 Allow all licensed registrars which comply with the technical standards access to register domain names in the registry.
 - 4.2.1.9 Be solely responsible to manage its relationships with registrars and registrants.
 - 4.2.1.10 Be able and prepared to adopt new technologies and advances in DNS registry operations.

4.3 Registrar role

- 4.3.1 The registrar must:
 - 4.3.1.1 Provide .za domain name registration services for all the sub-domains in which it is licensed to register names.
 - 4.3.1.2 Submit up to date data about its registrants which data shall be kept in the registry database.
 - 4.3.1.3 Provide an interactive web page and a port 43 Whois service providing free public query-based access to up-to-date data concerning all active registered names sponsored by registrar for each sub-domain in which it is licensed.
 - 4.3.1.4 Maintain its own electronic database, as updated from time to time, containing data for each active registered name sponsored by it within each sub-domain for which it is licensed.

- 4.3.1.5 Submit an electronic copy of the database to the Authority or, at registrar's election and at its expense, to a reputable escrow agent mutually approved by the registrar and the Authority at agreed intervals.
- 4.3.1.6 Meet technical requirements specified by the Authority.
- 4.3.1.7 Pay license, registration and renewal fees to the Authority.
- 4.3.1.8 Be accountable to the registry operators and the Authority for the actions of resellers appointed by registrar;
- 4.3.1.9 Register domain names and modify information associated with that name on the register; and
- 4.3.1.10 Be solely responsible for managing its relationship with registrants.

4.4 General licensing principles

- 4.4.1.1 No person may update a second level domain repository without being licensed by the Board to do so.
- 4.4.1.2 Each applicant applying for license to operate a registry or to be a registrar must be a legal persona according to the company and other laws of South Africa.
- 4.4.1.3 Each registry operator or registrar must nominate *a domicilium citandi et executandi* within South Africa regardless of their physical location, which shall be used for official communication with the Authority. In addition, each registry operator or registrar must consent to the jurisdiction of South African courts in relation to all matters pertaining to the .za name space.
- 4.4.1.4 Registry operators may be licensed to operate more than one (1) registry within the .za name space. The onus will be on the registry operator to prove compliance with each sub-domain charter and policies, and satisfy additional requirements which the Authority may set for the sub-domains.
- 4.4.1.5 A license for a registry operator or registrar shall be valid for five (5) years, subject to the payment of annual license fees to be determined by the Board.
- 4.4.1.6 Licensed registrars shall be free to register domain names in all .za sub-domains, provided they expressly consent to comply with each sub-domain's charter, and satisfy additional requirements which the Authority may set from time to time.
- 4.4.1.7 Where a licensed operator applies for an additional license, the Authority shall take into consideration the public interest, the operator's overall performance of the registry it is already licensed to operate, and the issues of security, stability, integrity and reliability of the .za name space and the domain name system in general.
- 4.4.1.8 Applicants shall be free to discuss their application informally with the Board prior to the submission thereof. The Board shall render reasonable assistance to potential applicants when approached.
- 4.4.1.9 Each licensed operator shall, prior to commencing registry operations, and each registrar shall, prior to commencing to register domain names, sign a service level agreement prepared by the Authority, which agreement shall define in detail issues relating to such issues as the integrity, security, stability and reliability of the domain name system, frequency of reporting, handling of registry data, registry operations, fees and payments, Who-is service, and resolution of disputes between the registry operator and the Authority.
- 4.4.1.10 Subsequent to being granted a license but before commencing the operation of the registry, each registry operator must submit to the Authority a service level

agreement it intends to sign with all registrars accredited to register domain names in the registry. The agreement must be:

- 4.4.1.10.1 Consistent with the policies, procedures, rules, regulations and standards of the Authority; and
- 4.4.1.10.2 Approved by the Authority, which shall also be free to withhold its approval in the case of provisions found to be unreasonable.
- 4.4.1.11 The registry-registrar agreement shall outline issues relating to the relationship between the registry operator and the registrars. Such issues shall include:
 - 4.4.1.11.1 Obligations of the parties in relation to the registry system operation and access, supported protocols, software to be used by registrars to register names, data requirements, technology requirements, Who-is service, operational requirements, and resolution of disputes between the registry operator and registrar.
 - 4.4.1.11.2 Registry operator's licensed products to be used by registrars, including license conditions, limitations, licensed software updates and upgrades.
 - 4.4.1.11.3 Payment of fees, which includes the fees to be paid by registrars and registrants, and all license fees which the registry operator shall pay to the Authority.
- 4.4.1.12 It is the responsibility of a registrar to have the registrant for whom they register domain names, consent in writing to the charter, eligibility and other requirements of the sub-domain in which the registrant registers a domain name.
- 4.4.1.13 Each registry operator must indemnify the Authority from all its dealings with registrars and registrants. Each registrar must indemnify the Authority from all its dealings with the registrants and resellers.

4.5 Application

Each application for a registry operator or registrar license must provide the following:

4.5.1 Company profile

- 4.5.1.1 Business name and company registration number.
- 4.5.1.2 Contact details (telephone and fax numbers, email address, postal and physical addresses).
- 4.5.1.3 Contact person (including his/her job title and contact details, if different from (b)).
- 4.5.1.4 URL for the applicant's World Wide Web site.
- 4.5.1.5 Company profile including a list of all shareholders, directors, managers, officers and employees.

4.5.2 Legislative compliance

- 4.5.2.1 BBBEE profile outlining how much percentage of company ownership belongs to BEE companies.
- 4.5.2.2 Profile of the total number of employees, managers, directors involved in the applicant's daily operations, which profile should explain how many of these historically disadvantaged individuals, as required by the employment equity legislation are.

- 4.5.2.3 Skills development plan, as required in terms of the skills development legislation. This should provide documentary proof of skills levy payments made in the last three (3) years.
- 4.5.2.4 A valid, original tax clearance certificate to prove compliance with tax legislation.
- 4.5.2.5 Any other legislative compliance document which the Authority can use to determine the applicant's compliance with the laws.

4.5.3 Operational information

- 4.5.3.1 Financial stability of the applicant.
- 4.5.3.2 An overview of current business operations (a copy of the most recent annual report shall suffice).
- 4.5.3.3 Available working capital reserved for the registry operations (to be accompanied by evidence such as an audited financial statement).
- 4.5.3.4 An operational plan explaining, amongst others:
 - 4.5.3.4.1 A volume of registrations the applicant projects to handle per month.
 - 4.5.3.4.2 Management, communication and information processing systems (including billing systems) which the applicant will use (or proposes to use) to handle the projected registration volume.
 - 4.5.3.4.3 Management, communication and information processing systems the applicant will use (or proposes to use) to deal promptly with requests for changes in registration data.
 - 4.5.3.4.4 Ability to provide an on-line public access on a real-time basis (such as a port 43 Who-is service) to registry data.
 - 4.5.3.4.5 Customer support services to be used to deal promptly with registrar or registrant queries.
 - 4.5.3.4.6 For registry operators, a number of personnel (including their qualifications and experience) to be used to deal handle the projected registrations, updates, customer queries, and other daily registry tasks.
- 4.5.3.5 Details of fee structures, if any.
- 4.5.3.6 For registry operators, a proposed registry services workflow outlining how the applicant will deal with registrations and customer queries.

4.5.4 Technical capabilities

Requirement 4.5.4.4 applies to registry operators only.

- 4.5.4.1 Technical skills and experience.
- 4.5.4.2 Equipment, infrastructure and software.
- 4.5.4.3 Manner of integrating the applicant's systems with central or shared databases, where necessary.
- 4.5.4.4 Technical procedures to be used for creating, updating and deleting domains.
- 4.5.4.5 Compliance with any shared, replicated or distributed registry standards and protocols, where necessary.
- 4.5.4.6 Adherence to relevant RFCs and/or other Internet and domain name system standards.

4.5.5 Stability and security

- 4.5.5.1 Capability to provide a reliable and readily usable daily back-up and archive service for registration data.
- 4.5.5.2 Security and stability measures (electronic and otherwise) to prevent threats or disruptions such as system hacks, break-ins and data tampering.
- 4.5.5.3 Disaster recovery measures & prevention to be used.

4.5.6 Service continuity

- 4.5.6.1 Applicant's capability to ensure that registrars and registrants enjoy continued use of their domain names in the event the applicant is liquidated, ceases to operate, or has its license revoked or cancelled by the Authority.
- 4.5.6.2 Applicant's capability to avoid adverse effects on operation of the .za name space, Internet and the domain name system in the event the applicant is liquidated, ceases to operate, or has its license revoked by the Authority.
- 4.5.6.3 Availability of commercial liability insurance to cover the applicant during its contract as a registry operator or registrar. A valid insurance certificate should be provided, or in the case that the applicant does not have such insurance, an explanation of how the insurance will be obtained prior to the applicant commencing registry or registrar operations.

4.5.7 Criminal issues

- 4.5.7.1 Explanation of whether or not the applicant or any of its shareholders, directors, managers or employees has been convicted of crime relating to financial activities, or has been judged to have committed fraud or breach of fiduciary duty, or has been a subject of a judicial determination related to any of these. If the answer is affirmative, details should be provided.
- 4.5.7.2 Explanation of whether or not the applicant or any of its shareholders, directors, managers or employees has been disciplined for conduct involving dishonesty or misuse of funds. If the answer is affirmative, details should be provided.
- 4.5.7.3 Explanation of whether or not the applicant or any of its shareholders, directors, managers or employees is currently involved in any judicial or regulatory proceeding which could result in a conviction, judgment or some form of discipline. If the answer is affirmative, details should be provided.

4.5.8 Special undertakings

- 4.5.8.1 The applicant, at the time of application, must commit itself in writing to satisfy the following requirements:
 - 4.5.8.1.1 Acceptance of, and adherence to, these and future policies, procedures, rules, regulations, and technical and operational standards developed by the Authority in managing the .za name space.
 - 4.5.8.1.2 Acceptance of, and adherence to, the charter of each domain in which it is licensed to operate or register domain names.

- 4.5.8.1.3 For registry operators, continuous and ceaseless provision of registry services for the registry it is licensed to operate, unless a satisfactory alternative operator has been licensed to take over the operation of the registry and the database has been successfully transferred; or unless required to do so by the Board. If the registry operator ceases to provide registry services or is required by the Board to cease, it shall provide a full copy of the database for that registry to the Authority within twenty (20) working days or any period decided by the Authority after taking into consideration public interest and security and stability of domain name system and the Internet.
- 4.5.8.1.4 For registrar, continuous and ceaseless provision of domain name registration services for the registry in which it is licensed to register names, unless a satisfactory alternative registrar has been licensed to take over the registration services, or unless required to do so by the Board. If the registrar ceases to provide registration services or is required by the Board to cease, it shall provide a full copy of its registration database to the Authority within twenty (20) working days or any period decided by the Authority after taking into consideration public interest and security and stability of domain name system and the Internet.
- 4.5.8.1.5 Agreement to pay such levies may be determined by the Authority from time to time.
- 4.5.8.1.6 Provision of name servers at its own costs.
- 4.5.8.1.7 Express consent to have the Authority use its name and/or logo in its public announcements relating to the Authority's business of managing the .za name space, relating to licensing of registry operators and registrars, and relating to .za domain policy issues.

4.5.9 Application fee

- 4.5.9.1 The applicant must, at the time of application, pay a non-refundable application fee to the Authority, and attach proof of such payment to the application.

4.6 Consideration of applications

- 4.6.1 Upon receipt of an application for a registry operator or registrar license, the Authority shall inspect the application to ensure that all the required information and documentation has been provided, and shall deal with the application using the procedure provided herein.
- 4.6.2 The Authority shall, in accordance with its licensing regulations and the application requirements, publish evaluation criteria on its public Internet site. The Board shall develop the criteria in such a manner that applicants are afforded space for entrepreneurial creativity, innovation and flexibility in offering their services, without compromising compliance with its policies and procedures.
- 4.6.3 The ultimate decision regarding acceptance or rejection of an application for a registry operator or registrar license is the sole responsibility of the Board, which will take into consideration public comments received prior to making its decision.
- 4.6.4 The applicant may request that part or all of the details of its application be kept confidential, except for names and contact details. The Authority shall indicate to the applicant whether or not it will accept the confidentiality of the said parts.
- 4.6.5 Should the Authority decline to accept the confidentiality of any section, the applicant will be allowed to remove the confidential sections, should it so desire. In that event, the Board will not consider the removed sections in evaluating the applications. Should the applicant choose not to remove the confidential section,

the Authority will continue to post the entire application on its public Internet site for public comment.

- 4.6.6 The Board may take any of the following decisions after having evaluated an application:
 - 4.6.6.1 Accept a license application in all domains for which an applicant seeks accreditation, or for any subset of these domains.
 - 4.6.6.2 Accept an application subject to specific conditions, amendments or alterations.
 - 4.6.6.3 Grant a conditional license to allow the licensee time to comply with BBEE, employment equity and skills development legislative requirements. In such case, the licensee shall be awarded a two (2) year license, which will only be renewed once the registrar proves its compliance with the said legislation.
 - 4.6.6.3.1 It is the responsibility of a conditional licensee to prove its compliance within the two (2) year period.
 - 4.6.6.3.2 Should the registrar fail to do so, the license will be immediately cancelled upon a twenty (20) working days' notice to the registrar and registrants using the registrar's services.
 - 4.6.6.4 Refer an application back with comments.
 - 4.6.6.5 Reject an application.
- 4.6.7 The Authority shall, within ten (10) working days of the decision having been made, notify the applicant in writing of the decision. Such notification shall provide reasons for the decision.
- 4.6.8 Within seven (7) working days after notifying the applicant, the decision, together with the reasons therefore, shall be published on the website of the Authority.
- 4.6.9 The Authority reserves a right to seek expert advice in assessing an application, and to conduct its own investigation to verify certain claims made by the applicant in its application.
- 4.6.10 The applicant must provide with the application a non-refundable application fee to the Authority, which shall be used to recover the costs of evaluating the application. The Board reserves a right to revise the application fee from time to time and to waive the fee if it considers this to be in the public interest.

4.7 Renewal

- 4.7.1 The onus shall be on the licensee, prior to the expiration of its current license, to apply for renewal of the license within the last year of the license duration, but not less than ninety (90) days prior to expiration. Submission of application less than 90 days shall be allowed upon payment of a penalty fee to be determined by the Authority.
- 4.7.2 Submission of a renewal application after the expiration of the current license shall result in the application being presumed to be a completely new application, and it shall consequently be subjected to all the license requirements.
- 4.7.3 In assessing renewal applications, the Authority shall take into consideration various factors, including:
 - 4.7.3.1 Compliance with the policies, rules, regulations, and procedures of the Authority, and compliance with the license agreement.
 - 4.7.3.2 Compliance with the charters, policies and procedures of the registry operators within which the registrar is licensed to register domain names.

- 4.7.3.3 Compliance with legislative requirements including BBBEE, skills development, employment equity, and tax.

4.8 Monitoring and evaluation

- 4.8.1 The Authority must from time to time conduct audits and perform tests on the licensed registry operator and registrar's infrastructure and processes to ensure compliance with the technical, operational and other standards and procedures mentioned in initial applications, and compliance with the Authority's own policies, standards and procedures. This shall be done every six (6) months. The Authority may appoint agents to conduct the audits and tests.
- 4.8.2 Licensed registry operators and registrars must allow the Authority or its appointed agents to conduct such audits and tests at the Authority's own convenience, and must allow the Authority or its agents access to all relevant databases and documents.
- 4.8.3 The Authority shall give the registry operator or registrar a notice of not less than three (3) working days before it or its agents conducts audits and tests.

4.9 Termination

- 4.9.1 The license agreement may be terminated prior to its expiration by the Authority if:
 - 4.9.1.1 There was a material misrepresentation, material inaccuracy, or materially misleading statement in registry operator's or registrar's application for license or any material accompanying the application;
 - 4.9.1.2 The licensee or any of its officers or directors is convicted by a court of competent jurisdiction of a felony or other serious offense related to financial activities, provided, where the offender is an officer or director, such officer or director is not removed in such circumstances;
 - 4.9.1.3 The licensee or any of its officers or directors is judged by a court of competent jurisdiction to have committed fraud or breach of fiduciary duty, provided, where the offender is an officer or director, such officer or director is not removed in such circumstances;
 - 4.9.1.4 The licensee or any of its officers or directors is the subject of a judicial determination that the Authority reasonably deems as the substantive equivalent of those offenses, provided, where the offender is an officer or director, such officer or director is not removed in such circumstances;
 - 4.9.1.5 The licensee is disciplined by the government of its domicile for conduct involving dishonesty or misuse of funds of others;
 - 4.9.1.6 The licensee fails to remedy its failure to comply with the policies, rules, regulations, and procedures of the Authority, except where changes to these are introduced during the term of the license and the licensee has been granted by the Authority time to comply with the changes;
 - 4.9.1.7 The licensee fails to comply with the provisions of the license agreement it has entered into with the Authority;
 - 4.9.1.8 The licensee fails to remedy its failure to comply with the charters, policies and procedures of the sub-domains it is licensed to operate or in which it is licensed to register domain names;
 - 4.9.1.9 Where the licensee is a registrar, it fails to comply with the provisions of the agreement it has entered into with the registry operator;

- 4.9.1.10 The licensee acts in a manner that the Authority considers to be threatening the stability, security or operational integrity of the Internet and the DNS, provided that it is notified of the threat and is given three (3) days after the notice to remove the threat; or
- 4.9.1.11 The licensee becomes bankrupt or insolvent.
- 4.9.2 On termination of a licence, all parties involved shall take all possible actions to ensure continued name service and technical updates for affected registrants.

4.10 Suspension and revocation of license

- 4.10.1 The Board may use its discretion to suspend or revoke the license of a registry operator or registrar:
 - 4.10.1.1 Should the registrar or registry operator fail to comply with this policy, procedures, rules and regulations, including the provisions stipulated in 4.5.8, or with a charter of any sub-domain, or to any other policies and procedures which the Authority may introduce in the future.
 - 4.10.1.2 Should the registrar or registry operator fail to follow any order issued by the Authority in relation to its policies, rules and procedures.
 - 4.10.1.3 Should the registry operator or registrar fail to pay any monies due to the Authority including, but not limited to, levies and fees relating to registered domain names.
 - 4.10.1.4 Should the registry operator or registrar fail to render its services according to the standards undertaken at the time of its application for a license and at the time of signing a license agreement with the Authority.
 - 4.10.1.5 Should the registry operator or registrar be unreachable for a continued period through any of its contact details provided by it to the Authority. The continued period of being uncontactable shall not be less than three (3) months.
 - 4.10.1.6 Should a conditional licensee fail to satisfy the conditions stipulated in its license within the stipulated period.
 - 4.10.1.7 For any reason the Board determines to be in the public interest.
- 4.10.2 No such suspension or revocation shall in any way give rise to a claim against the Authority for any compensation or damages, or for the refund of any deposit, application fee, or other monies paid to the Authority.
- 4.10.3 The Authority shall publish details of any suspension or revocation of license, including the reasons therefor, on its public Internet site within ten (10) working days of such suspension or revocation.
- 4.10.4 Should the Board consider revoking the license of a registry operator or registrar, it must:
 - 4.10.4.1 Notify all currently registered contacts for the registry operator or registrar concerned at least twenty (20) working days before the date of the proposed revocation.
 - 4.10.4.1.1 Such notification shall be made to the contact addresses provided by the registry operator or registrar in its respective applications (or as subsequently amended by written notice to the Authority).
 - 4.10.4.1.2 Where possible, the concerned registry operator or registrar shall be given the opportunity to remedy whatever breach or default gave rise to the Board considering the revocation, which remedy shall be done within ten (10) working days of receipt of a revocation notice.

- 4.10.4.2 Publish a notice of its intention to revoke the license on its website at least twenty (20) working days before the date of the proposed deletion, to allow for public comment. Notification of this posting shall be sent to all currently serving directors and to all members who have asked to receive the Authority's notifications.
- 4.10.5 The Board shall not revoke the license of a registrar unless and until satisfactory arrangements have been made to accommodate the registrants who have registered with that registrar, and unless reasonable efforts have been made to notify the said registrants of any changes.
- 4.10.6 The board shall not revoke the license of a registry operator unless and until satisfactory arrangements have been made to host the registry facilities for those sub-domains hosted by the operator.
- 4.10.7 Notwithstanding the above, the Board reserves a right to temporarily suspend the license of any registry operator or registrar at any time if in its discretion it believes that this would be in the public interest; provided that the conditions of 4.10.3 and 4.10.4 are complied with.

5 Resellers

- 5.1 Registrars shall be allowed to appoint resellers and enter into agreements with them.
- 5.2 In such case, the registrar must indemnify the Authority from any claim or liability arising out of the reseller agreement.
- 5.3 Resellers shall not be licensed and shall have no contractual obligations with the Authority or registry operators by virtue of their appointment by registrars.
- 5.4 Registrars must ensure that resellers participate in the registration of domain names in compliance with the policies, procedures, rules and regulations of the Authority and in compliance with the charter and requirements of the domains.
- 5.5 Registrars shall be responsible for the conduct of resellers and any non-compliance with the policies, procedures, rules and regulations of the Authority by resellers shall be accounted to the registrars.

6 Registrants

6.1 General rules for registration

- 6.1.1 Registrants must register their .za domain names through licensed registrars.
- 6.1.2 Registrants must pay registration, annual renewal and other fees due to registrars.
- 6.1.3 Domain names shall be registered in the .za name space on a first-come first-served basis.
- 6.1.4 Domain names shall only be registered at the 3rd level (e.g. zadna.org.za).
- 6.1.5 A registrant applying to register a domain name must satisfy the requirements of the charter of a sub-domain in which the name is registered. Failure to satisfy such requirements shall render the application unsuccessful.
- 6.1.6 A registrant shall, through a registrar, consent to the policies, regulations, rules and procedures developed by the Authority in the interest of effectively managing the .za name space, and to the policies, rules and procedures of the registry operator.

6.1.7 Registration of .za domain names is available to all individuals and entities both within and outside South Africa, subject to the jurisdiction of South African courts, in dealings related to the .za ccTLD.

6.2 Requirements for application

6.2.1 The applicant shall submit an application through a licensed registrar and provide the following details:

6.2.1.1 Full names or company information of registrant;

6.2.1.2 Current and accurate contact details including telephone, email, physical and postal addresses;

6.2.1.3 Name of domain to register;

6.2.1.4 Details of the name servers, technical and administrative contacts; and

6.2.1.5 Other information as may be required by the Authority from time to time.

6.3 Right to domain names

6.3.1 No proprietary rights to names by registrants - registrants will have licenses to their domain names and these will last for the license period.

6.3.2 The license to hold a domain name shall last for a period of 10 years provided the registrant pays the annual license fee required by the Authority. The license may be renewed upon completion of the 10 year period.

6.3.3 The registrant or domain name holder has the right to use this name throughout the validity period of the registration (1 year), after which it is renewable unless advised otherwise by the registry.

6.3.4 Should the Authority need to delete, suspend or takeover the name, the holder will be notified accordingly and be allowed sufficient time to migrate to another name.

6.3.5 The registrant bears the responsibility of ensuring that they have a right to use their chosen domain name and that the name chosen is not in violation of any trademark or any intellectual property rights of another party.

6.3.6 Right to use a domain name shall be disputed through the Alternative Dispute Resolution procedures set out by the Authority. Should the sub-domain in which the domain name is registered not be covered by Alternative Dispute Resolution procedures, the dispute may be settled through a normal court process.

6.4 Admissible domain names

6.4.1 Only the letters a-z, digits 0-9 and hyphens will be accepted in a domain name. Case is not significant.

6.4.2 A domain name shall contain a minimum of three (3) characters and a maximum of fifty (50) characters.

6.4.3 A domain shall not begin or end with a hyphen.

6.4.4 A domain name shall not contain a hyphen as both its third and fourth characters until a policy for Internationalised Domain Names is in force. (e.g. xn--abcdef may not be registered.)

6.5 Modification of contact details

- 6.5.1 Registrants, via their licensed registrars, may update or amend their contact details in the registry according to policies and procedures which the Authority or registry operator may introduce from time to time.
- 6.5.2 It is the responsibility of registrants to ensure that their contact information is up to date.
- 6.5.3 Registrant's contact details may not be modified unless the request for modification is initiated by the registrant through its registrar, and the registrant subsequently confirms the request in writing or in any other manner which the Authority or registry operator may stipulate.
- 6.5.4 The registrant shall immediately notify its registrar if a modification request has not been requested by the registrant. If the registrant suspects a fraudulent or unethical behaviour on the part of its registrar regarding the modification of the registrant's contact details, it shall immediately notify the registry operator, which shall not process the request until the registrant confirms it.

6.6 Changing registrars

- 6.6.1 Registrants shall be free to change registrars provided such changes are in compliance with the .za policies and procedures, and subject to contractual commitments between them and the registrars. Such contractual commitments shall not be in contravention of this policy and procedures.
- 6.6.2 Registrars shall be obliged during the time of contracting to register a domain name for a registrant, to inform the registrant of the registrar's domain name transfer processes and procedures, and to give the registrant documentation of such procedures.
- 6.6.3 Only the contacts listed in the registry database or registry's Whois service, can approve a name transfer. Such transfer shall commence when the registrant or its administrative contact send a transfer request to its current registrar.
- 6.6.4 The registrant seeking transfer shall be responsible for choosing a new registrar and instigating the modifications the new registrar must carry out.
- 6.6.5 A transfer request shall only be authorised by a registry operator if a new registrar is licensed to operate as a registrar by the Authority. Current registrars shall not transfer domain names to new registrars until the latter produces proof of its license.
- 6.6.6 The new registrar must ensure that technical modifications done as part of a transfer do not adversely affect the holding of the domain name by the registrant.
- 6.6.7 Registry operators shall be responsible for developing relevant policies, procedures, rules and regulations for domain name transfers. These shall only come into effect once the Authority approves them, and shall not be in contravention of any of the Authority's policies, procedures, rules and regulations.
- 6.6.8 The Authority may also, in consultation with the registry operators and registrars, develop new policies and procedures to guide transfers of domain name registrations between licensed registrars.

6.7 Renewal of registration

- 6.7.1 The duration of domain name registration shall be for a period between and one (1) and ten (10) years. Registrant may, through its registrar, renew registration of domain name anytime during this period, provided that such renewal shall not exceed a period of ten (10) years.

- 6.7.2 Renewal of registration shall only be valid upon the registrant paying a renewal fee, through its registrar, to the Authority.
- 6.7.3 Should renewal occur prior to the expiration of the current period, the duration of the registration shall be calculated such that the remaining part of the initial period shall first be fulfilled before the renewal period begins.
- 6.7.4 If the registrant fails to renew before the expiry of the period, the registry operator must notify the registrant through its registrar not less than thirty (30) days before the expiry, of the forthcoming expiry.
- 6.7.5 Failure to renew after the renewal reminder from the registry operator may allow the registry operator to hold the expired registration in suspension for thirty (30) working days after its expiry, during which time the registrant may still renew registration. If the expired domain name is held, the registry operator must notify the registrant through its registrar that the registration is expired and that the registration is available for renewal within the suspension period. The registry operator shall have no liability to the registrant to hold the expired registration.
- 6.7.6 Failure to register during the suspension shall mean that the registrant loses license to the expired domain name, and the name shall be available for new registration. The registry operator must notify the registrant and its registrar of the cancellation of registration.
- 6.7.7 If the registrant does not want to renew registration of a domain name, the registrant may, through its registrar, notify the registry operator of its intention to let the registration expire. The registry operator shall ensure that all fees owed by, or due to, the registrant or its registrar are paid before the registration expires.
- 6.7.8 The registrant shall be free to cancel a renewal of registration prior to the commencement of the renewal period. In such event, the registry operator shall refund the registrant through its registrar of the renewal fees paid by the registrant or by the registrar on the registrant's behalf.

6.8 Transfer of registration

- 6.8.1 The registrant may transfer domain name registration to another person, but such transfer must not occur within thirty (30) days after registration, provided that the "new" registrant (i.e. the person to whom the registration is transferred) expressly accepts to be bound by, and to comply with, all the policies, rules, regulations and procedures of the both the Authority and the registry operator, and to comply with the applicable sub-domain charter.
- 6.8.2 The transfer of registration shall be done subject to any additional policies and procedures set by the registry operator
- 6.8.3 The "old" registrant shall be liable to pay any fees owed to the registry operator, to initiate the transfer process using its registrar, and to confirm transfer request to the registry operator prior to the new registrant or the new registrant's registrar pays registration transfer fees to the registry operator.
- 6.8.4 The new registrant shall be free to choose its own registrar and to submit, through the new registrar, all required contact information to the registry operator.
- 6.8.5 The old registrant may cancel the transfer of registration anytime by withholding confirmation of the transfer or before the new registrant or the new registrant's registrar pay registration transfer costs in full to the Authority.

6.9 Suspension of registration

- 6.9.1 The registry operator may suspend a registration on the basis of breach of the registrant agreement or upon a request by the registrant through its registrar. The registry operator shall accordingly update its name look-up service (Whois) to reflect the suspension, and may restrain the registrant from using email and website through the suspended domain name.
- 6.9.2 Prior to suspension based on contractual grounds, the registry operator must give the registrant and its registrar a notice of not less than twenty four (24 hours) providing its reasons for the suspension.
- 6.9.3 Upon suspension, the Authority shall not refund the registrant or its registrar for any unexpired period of registration.
- 6.9.4 A suspended registration may be reactivated at any time by the registry operator upon the fulfilment of contractual obligations by the registrant, if the suspension was based on breach of contract.
- 6.9.5 The registry operator may reactivate a suspended registration at any time in its own discretion or upon a request by the registrant where the registrant initiated the suspension.
- 6.9.6 Upon reactivating a registration, the registry operator must update its name look-up (Whois) service to reflect the reactivation within twenty four (24) hours of the reactivation, and remove any restraint prohibiting the registrant use of email and website through the suspended domain name.

6.10 Cancellation of registration

- 6.10.1 A registration may be cancelled by the registry operator at the request of the registrant or its registrar, as a result of breach of contract, or any other ground which may be justified by the registry operator in terms of its policies, rules and procedures or those of the Authority,
- 6.10.2 The registry operator shall give the registrant and its registrar a notice of not less than seven (7) days before the registration is cancelled, where the cancellation is not initiated by the registrant or its registrar. No notice shall be given where the cancellation is requested by the registrant or its registrar and is confirmed by the registrant.
- 6.10.3 Where a cancellation request is made by the registrant or its registrar, the registry operator shall suspend the registration for thirty (30) days and notify the registrant and registrar that the registration has been suspended pending cancellation. The requestor may withdraw the cancellation request at any time during the thirty (30) days' suspension period.
- 6.10.4 The cancellation of a registration after the suspension period shall immediately allow the registry operator to delete the registration and make the name available for new registration by other registrants, or reserve the name where the cancellation was based on inadmissible or restricted names.
- 6.10.5 The registry operator shall not charge any fees for implementing cancellation requests or withdrawal of such requests made by registrants or registrars.

7 Transition

- 7.1 The holder of a second level domain at the establishment of the Authority will be licensed as a Registrar for their domain on application. The initial license will be for a period of three (3) years during which the requirements in 4.5 will be relaxed.

- 7.2 The holder of a closed second level domain at the establishment of the Authority may apply to be licensed as the Registry for their domain.
- 7.3 The holder of an open second level domain at the establishment of the Authority may apply to be licensed as a Registry for their domain or may nominate another Registry applicant. The initial license will be for a period of three (3) years during which the requirements in 4.5 will be relaxed. By the end of the initial license period the functions of Registry and Registrar must have been separated.
- 7.4 The Authority shall appoint the registry through a public tendering process resulting in contractual relationship between the parties. The Authority will outline a tender process which will be used to select the centralised registry operator. The Authority will take into consideration options and advantages of entering into a public-private partnership (PPP) with a service provider to form an entity to operate the centralised registry.
- 7.5 The Authority shall prepare transition agreements for registrars and with existing registries once they have been licensed.
- 7.6 All .za domain names existing at the time of introduction of these new policies and procedures shall continue to exist.
- 7.7 All domain names registered in closed domains shall pay annual renewal fees to the Authority. The relevant registry operators shall be responsible to pay renewal fees to the Authority.

END/

Schedule 1: Table of Fees

Item	Amount
1. Registry	
1.1. Application for license as registry (non-refundable).	R 10 000
1.2. Annual registry license fee (non-refundable).	R 2 000
1.3. Payment by Authority to registry per new registration for one year (payable on monthly basis).	(R 18)
1.4. Payment by Authority to registry per renewal of registration for one year (payable on monthly basis).	(R 18)
2. Registrar	
2.1. Application for license as registrar (non-refundable).	R 5 000
2.2. Annual registrar license fee (non-refundable).	R 2 000
2.3. Fee (payable in advance to Authority) per new registration for one year.	R 30
2.4. Fee (payable in advance to Authority) per renewal of registration for one year.	R 30
3. Registrant	
3.1. Registrars independently determine the registration fees allowing market forces to set prices based on competition and value-added services provided by registrars. No payment is made directly from a registrant to the Authority.	

NB:

Fees payable by registry in terms of 1.3 and 1.4 should be paid on a monthly basis.

Fees payable by registrars in terms of 2.3 and 2.4 should be paid to the Authority in advance.