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This policy is issued by the Office of the Domain Name Commissioner on behalf of [InternetNZ](#), the Internet Society of New Zealand Incorporated.

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SECOND LEVEL DOMAINS

Note: This is a draft policy only - for consultation and discussion. The current version of this policy is at http://dnc.org.nz/content/second_level_domains.pdf

PART A - POLICY

1. Statement of Purpose

- 1.1 This policy covers all aspects relating to Second Level Domains ("2LDs"), including what 2LDs are currently offered, how moderation operates, and how 2LDs are established.

2. Background

- 2.1 InternetNZ has responsibility within New Zealand for the .nz domain name space ("DNS").
- 2.2 The Office of the Domain Name Commissioner is responsible for the day-to-day oversight of the .nz domain name space, under the governance of the .nz Oversight Committee (NZOC). NZOC has been delegated responsibility for policy and administration for the .nz domain name space by InternetNZ Council.

3. Principles

- 3.1 This document details a set of guiding principles describing 2LD names. Central to these principles, is the notion of "communities of interest":
- 3.2 Under normal circumstances if a group of individuals or organisations can demonstrate that they meet the criteria that define a *community of interest* they can reasonably expect to be able to create a 2LD to reflect that.
- 3.3 There should be a clear statement of a common interest shared by entities that reside within the domain, e.g. tertiary educational institutions.
- 3.4 Communities of interest should not overlap. This means that minimum ambiguity should exist between different 2LDs. Overlap with generic 2LDs such as **.gen.nz** or **.co.nz** is not material to the application for a new 2LD.

- 3.5 The 2LD name should be an obvious derivative of a word that properly describes the community of interest, e.g. **.org.nz** for organisation, or a complete word, e.g. **.maori.nz**.
- 3.6 The community of interest should be long lived, e.g. tertiary education is long lived, the 2005 Lions Rugby Tour is not.
- 3.7 Domain names may only be registered in the third level of the .nz domain name space in accordance with current InternetNZ policy.
- 3.8 In some circumstances, registration of names may be restricted, for example by registrant. InternetNZ may grant permission for moderation of membership of a community of interest to be managed by that community of interest. If a new 2LD is intended to be subject to moderation, this should be disclosed when the application is made and the requirements for a moderated 2LD followed.
- 3.9 Names in unmoderated 2LDs are available to all potential registrants and are obtained through authorised .nz registrars on a first come, first served basis.

4. Selection of an Appropriate 2LD

- 4.1 Prospective registrants are strongly encouraged to select the 2LD that matches the most appropriate community of interest, doing otherwise may cause confusion.
- 4.2 For use of a moderated 2LD, permission must be sought from the moderator. Contact information for moderators is held by the Domain Name Commissioner (DNC). Conditions may apply to the applicant and/or to the name requested.
- 4.3 For the unmoderated 2LDs the final choice of the appropriate 2LD to use, and the name chosen, rests with the applicant.
- 4.4 The current 2LDs are set out in Schedule 1 of this policy.

5. Creation of New 2LDs

- 5.1 InternetNZ views the creation of new 2LDs as a very serious matter. Such domains, once created, are likely to never be removed.
- 5.2 Any individual or organisation may initiate the process of creating a new 2LD, or changing the definition of a current 2LD within the .nz domain name space, by sending a proposal to the DNC together with any applicable application fee.
- 5.3 Details of the process followed for the creating a new 2LD are detailed in Part B of this document, and application fees are set out in Schedule 2.
- 5.4 All new 2LDs must meet the criteria set for allowable domains. The onus is on the initiator of the proposal to justify the new domain by ensuring the application clearly states how the proposed domain meets the criteria set.
- 5.5 Criteria for a new 2LD requires that they:
 - 5.5.1 Represent an identifiable, significant community of interest; where 'significant' can be applied either quantitatively or qualitatively.

- 5.5.2 Represent an on-going and long-lived community of interest.
- 5.5.3 Do not conflict with, duplicate or cause confusion about, any existing 2LD, and are a useful addition to the current DNS hierarchy.
- 5.5.4 Use a name to represent the domain that is an obvious derivative of a word that properly describes the community of interest, e.g. **.org.nz** for organisation, or a complete word, e.g. **.maori.nz**.
- 5.5.5 Do not bring the .nz domain name space into disrepute.
- 5.6 Public input is by way of a public consultation process with a focus on how the application fulfils the set criteria in clause 5.5 of this policy.
- 5.7 For moderated 2LDs, a copy of the proposed moderation policy is to be submitted with the application so that it too is subject to public evaluation and comment.
- 5.8 An initial evaluation of the application against the criteria will be made by the DNC.
- 5.9 Proposals that clearly fail to meet the criteria will be returned to the proposer for further development or declined if the criteria are not able to be met, as determined by the DNC in consultation with the NZOC. A full explanation of any rejection will be provided to the proposer.
- 5.10 Proposals, except those referred to in clause 5.9, will be put out for public consultation for the period defined in Part B. Comment will be specifically sought on how the proposal measures up to the criteria to establish a new 2LD.
- 5.11 Once public consultation has been obtained, NZOC will evaluate the application against the criteria set before making a recommendation to Council as per clause 5.15.
- 5.12 The DNC reserves the right to approach possible interested parties to proactively seek their feedback.
- 5.13 All submissions addressing the application are to be made public. The only exception to this may be where a submitter can demonstrate, to the satisfaction of the DNC, exceptional circumstances exist that justify their request that the submission should not be publicised.
- 5.14 Once the consultation period is completed, if the creation criteria are met and no issues impacting on that are raised through the process, the application for the 2LD will, in principle, be allowed.
- 5.15 The final decision to create a new 2LD remains with the InternetNZ Council following a recommendation from the .nz Oversight Committee (NZOC). There is no appeal process.
- 5.16 For unmoderated 2LDs, a pre-registration period will be opened where registrants can register their proposed domain name under the new 2LD. This will be used to test public interest. If the threshold of pre-registrations is met, the application will be adopted and the 2LD will be added.

6. Creation of Moderated 2LDs

- 6.1 InternetNZ retains management authority of all listed 2LDs. Under specific circumstances, authority to moderate membership may be granted to a moderator, by InternetNZ, through the Office of the Domain Name Commissioner ("DNC").
- 6.2 The community of interest proposing to accept responsibility for moderation must:
- 6.2.1 Be a properly constituted organisation. Note: if it is not practicable in the circumstances for an organisation to have the role then the DNC, at their discretion, may allow a suitably qualified, accepted and appropriate individual to perform the moderation role. The party fulfilling this role is referred to as the **moderator**.
 - 6.2.2 Comprise a well-defined, strong long-lived community of interest.
 - 6.2.3 Develop acceptable, objective policies for allocating domains within that 2LD space.
 - 6.2.4 Provide a "designated 2LD moderator" with authority to implement policy.
- 6.3 A Moderation Agreement will be agreed and signed by InternetNZ and the moderator. The Agreement will be based on the detail provided with the application, subject to any changes following consultation.
- 6.4 The moderator will publish a moderation policy based on the agreement and incorporating any operational issues which need to be publicised.
- 6.5 The operating principles for moderated domains are:
- Approval for use of the moderated name occurs prior to the registrar registering the domain name in the register, and in accordance with any time frame specified in the moderation policy.
 - Moderators will need to either be or become an established registrar or set up a relationship with a registrar(s).
 - Moderators will be responsible for notifying the DNC of their accredited registrar(s).
 - Only those registrars notified to the DNC will be permitted to register in these 2LDs.
- 6.6 Moderation entails the following activities:
- 6.6.1 Registrants seeking to register a domain name within the 2LD being moderated will be evaluated to ensure that they meet the requirements of the moderation policy for the 2LD. This is to ensure that only those registrants who are eligible to register domain names under the moderation policy are permitted to obtain a name in the 2LD as sought.
 - 6.6.2 For those registrants that are deemed to have met the moderation criteria, the moderator will further determine whether the domain name sought is acceptable under the moderation policy.
 - 6.6.3 The moderator must notify the applicant of the acceptance or rejection of the domain name sought within the agreed number of working days.

- 6.6.4 The responsibility for accepting a name and a registrant lies with the moderator.
- 6.6.5 Additional rules for moderated 2LDs, to those described in the .nz policies and procedures, may be determined by the moderator in discussion with the community of interest. The DNC must also be consulted in this process.
- 6.6.6 Moderators may charge a fee for the moderation process, in addition to any registration fee, as long as that fee is declared in the moderation policy and the fee is set on a cost recovery basis only.
- 6.7 Where a domain name is in a moderated 2LD, and it clearly does not meet the requirements of the moderation policy for that 2LD:
- 6.7.1 The moderator can apply to the DNC for the domain name to be cancelled. Note - the moderator needs to have consulted with the registrant prior to approaching the DNC.
- 6.7.2 Where the DNC agrees to consider the application by the moderator, the DNC will consult with the moderator and the registrant before making a decision. The DNC may make any orders deemed necessary to compensate the affected registrant.
- 6.8 If acceptable under the moderation policy, a domain name in a moderated 2LD can be transferred to a registrar that is not designated to register domain names in that moderated 2LD. However, such a registrar will not be able to change the registrant of the domain name. The domain name will need to be transferred to a designated registrar for a change of registrant to be processed.
- 6.9 Requests to change the moderator or the moderation policies are made to the DNC. Where a proposed change to a moderation policy is significant (that is, where a name not previously registerable under the policy will become registerable, or vice versa), there will be a public consultation process, and the changes must be supported by (near) unanimous agreement of existing registrants.

7 Maintaining and Monitoring 2LDs

- 7.1 It will be necessary for the 2LD name space to evolve over time to reflect the changing needs of society. These needs will be ascertained through a consultative process and may lead to:
- 7.1.1 migrating unmoderated 2LDs to moderated status, or vice versa
- 7.1.2 closing an existing 2LD

No decision to close, or amend, an existing 2LD will be made without full consultation with and (near) unanimous agreement of the affected registrants.

8 General Information

- 8.1 A range of current information about .nz policies, registrant rights, and domain names in general is publicly available on the Internet at <http://dnc.org.nz>.
- 8.2 Additional information relevant to the interpretation and operation of this policy can be found in the **RMC** (Registering, Managing and Cancelling Domain Names) policy at http://dnc.org.nz/content/registering_managing_cancelling.pdf.
- 8.3 This policy operates subject to all applicable Internet technical standards.
- 8.4 If anyone has any questions regarding this document please email policies@dnc.org.nz

Draft Proposed Policy