

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 the ultimate responsibility within New Zealand for the .nz domain name space ("DNS").

2.2 InternetNZ has appointed the Domain Name Commission ("DNC") to manage and administer the .nz domain name space on behalf of InternetNZ.

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 both meet the criteria set out in this policy that define a community of interest and they meet all of the conditions that may be imposed under this policy, then they can reasonably expect to be able to create a 2LD to reflect their community of interest.

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. **.māori.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 InternetNZ views the creation of new 2LDs very seriously. Such domains, once created, might never be removed and are very unlikely to be removed in the medium term.

3.8 Domain names may only be registered in the third level of the .nz domain name space in accordance with current .nz policy.

3.9 In some circumstances, registration of names may be restricted. The DNC 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.

3.10 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 when Registering

4.1 Prospective registrants are strongly encouraged to select the 2LD that most appropriately matches the 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 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 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.

5.2 Details of the process followed for creating a new 2LD are detailed in Part B of this document, and application fees are set out in Schedule 2.

5.3 All new 2LDs must meet the 2LD criteria set out below. 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.

5.4 The criteria for a new 2LD are that the 2LD:

- 5.4.1 Represents an identifiable, significant community of interest; where:
 - (a) 'significant' can mean either quantitatively or qualitatively; and
 - (b) the community of interest can be defined in a clear written statement.
- 5.4.2 Represents an on-going and long-lived community of interest.
- 5.4.3 Does not conflict with, duplicate or cause confusion about, any existing 2LD, and is a useful addition to the current DNS hierarchy.
- 5.4.4 Uses 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. **.māori.nz**.
- 5.4.5 Does not bring the .nz domain name space into disrepute.

5.5 Public input is by way of a public consultation process with a focus on how the application fulfils the set criteria in clause 5.4 of this policy.

5.6 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.

5.7 An initial evaluation of the application against the criteria will be made by the DNC:

- 5.7.1 Proposals that appear to the DNC to fail to meet the criteria will either be
 - (a) returned to the proposer for further development; or
 - (b) declined, if the DNC determines that the criteria are not able to be met.
- 5.7.2 Proposals that appear to the DNC to potentially meet the criteria, 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. The DNC reserves the right to approach possible interested parties proactively to seek their feedback on the application.

5.8 Once public consultation has been obtained, the DNC will evaluate the application against the criteria set before making a recommendation to the InternetNZ Council for it to decide whether the 2LD should be created, as per clause 5.11.

5.9 All submissions addressing the application are to be made public. The only exception to this may be where a submitter can demonstrate, to the DNC's satisfaction, that exceptional circumstances exist that justify the submission not being publicised.

5.10 Once the consultation period is complete, and taking public input into account, the assumption is that the application for the 2LD will in principle be allowed, provided the criteria set out in clause 5.4 are met.

5.11 The final decision to create a new 2LD remains with the InternetNZ Council following a recommendation from the DNC. There is no appeal process.

5.12 For unmoderated 2LDs, a provisional registration period will be opened where persons interested in registering a domain name under the 2LD can list their proposed domain name under the proposed 2LD. This will be used to test public interest. If the threshold of provisional registrations is met, the application will be adopted and the 2LD will be added. The proposed threshold, taking into account the potential size of the community of interest, will be agreed in conjunction with the applicant.

6. Creation of Moderated 2LDs

6.1 The DNC has the management authority of all listed 2LDs. Under specific circumstances, authority to moderate membership of a 2LD may be granted to a moderator, by the DNC.

6.2 The community of interest seeking a moderated 2LD is subject to additional criteria to those in paragraph 5.4 above. The community of interest must:

- 6.2.1 Be represented by a properly constituted organisation as a "designated 2LD moderator" with authority to implement policy. Note: if it is not practicable in the circumstances for an organisation to moderate membership of a 2LD then the DNC, at its 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, and long-lived community of interest.
- 6.2.3 Develop objective policies for allocating domains within that 2LD space that are acceptable to the community of interest.

6.3 A Moderation Agreement will be agreed and signed by the DNC and the moderator. The Moderation Agreement will be based on the detail provided with the application, subject to any changes following consultation. Any moderator is subject to the .nz policies and will this will be acknowledged by their entering into the Moderation Agreement.

6.4 The moderator will publish a moderation policy based on the Moderation Agreement and incorporating any operational issues which need to be publicised.

6.5 The operating principles for moderated domains are:

- Moderator approval for use of the moderated name must occur 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 Rules for moderated 2LDs, additional to those described in the .nz policies, may be determined by the moderator in discussion with the community of interest. The DNC must be consulted in this process and has the power to determine whether additional rules are acceptable and consistent with the .nz policies.
- 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 At any time when a moderated 2LD domain name is in a moderated 2LD, and it 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.
- 6.7.3 The DNC may make orders under paragraph 6.7.2 even if there has been no application from the moderator. The DNC will consult with the registrant and the moderator before making orders of its own motion, except when there appear to the DNC to be exceptional circumstances.

6.8 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, if this is permitted by the moderation policy. 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 changing 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

PART B – PROCESS

B1 Applying for a new 2LD

B1.1 All applications for new second level domains are to include the following:

- B1.1.1 For unmoderated 2LDs:
 - A completed form NUD-1
 - The application fee specified in Schedule 2
- B1.1.2 For moderated 2LDs:
 - Completed forms NMD-1 and NMD-2
 - The application fee specified in Schedule 2

B1.2 Applications are to be made by email to 2LD@dnc.org.nz. They may also be made by fax to +64 4 495 2115, or by post to Domain Name Commission Limited, PO Box 11-881, Wellington.

B1.3 On receipt of an application, the DNC will make an assessment as to whether the application meets the requirements of this policy in accordance with section A5.7. The application will either be passed for public consultation or returned to the applicant with a full explanation of either:

- B1.3.1 the issues that need to be addressed before the application can be resubmitted; or
- B1.3.2 why it appears that the application by its nature cannot meet the requirements of this policy.

B2 Consideration of 2LD Applications

B2.1 Within ten working days of an application passing the screening check outlined in clause B1.3 above, it will be published on the DNC's website (<http://dnc.org.nz>) with a call for public submissions.

B2.2 Submissions are to be made by email to 2LD@dnc.org.nz. They may also be made by fax to +64 4 495 2115, or by post to Domain Name Commission Limited, PO Box 11-881, Wellington.

B2.3 When publishing the application, the DNC may also publish with the application, a report highlighting any particular issues which need to be addressed by submitters.

B2.4 Submissions will be accepted for a defined period determined by the DNC, of at least twenty five working days, and will be expected to focus on the merits of the proposed 2LD and how it meets the criteria set out in this policy. All submissions addressing the application will be published on the DNC's website.

B2.5 The DNC may solicit submissions whether to be in the defined period, or afterwards, from relevant parties to assist in gaining useful feedback on the application.

B2.6 Once submissions have closed, the DNC will evaluate the submissions against the criteria. The DNC will make a recommendation to the InternetNZ Council.

B2.7 If the application is for an unmoderated 2LD, the DNC recommendation will include a proposed threshold for provisional registrations. The proposed threshold will be agreed in conjunction with the applicant and will take into account the potential size of the community of interest.

B2.8 InternetNZ Council will consider the DNC recommendation at its next meeting, and make a final decision as to whether the application will be accepted.

B2.9 If the decision is to not proceed, the applicant will be advised in writing.

B3 Implementation – Unmoderated 2LDs

B3.1 If the InternetNZ Council decides that an application for an unmoderated 2LD will proceed, then a provisional registration process will be conducted to test the market prospects of the new 2LD.

B3.2 Provisional registrations will open within a month of the InternetNZ Council's decision, and with at least ten working days' public notice. Provisional registrations will be made through authorised .nz registrars.

B3.3 Provisional registrations are undertaken prior to the implementation of a new 2LD to test the level of public interest in the new 2LD. Provisional registrations are not intended to provide a promotional tool for registrars. Accordingly, the DNC reserves the right to manage how registrars promote registrations in the proposed 2LD. Registrars' terms and conditions will include specific clauses for provisional registrations, including whether they will refund monies from the provisional registration if the 2LD fails to meet the threshold and is not implemented.

B3.4 The provisional registration process involves potential registrants applying for a domain name on a first come, first served basis, and paying the fee specified by the registrar.

B3.5 The domain names applied for during provisional registration:

- B3.5.1 will be recorded in the .nz register with all applicable details, as for any other domain name.
- B3.5.2 will be registered for a maximum term of three months.
- B3.5.3 will be locked after registration, to prevent any changes being made. (e.g. a registrant passing the domain name on to another party without revealing its provisional status.)
- B3.5.4 will not be delegated to the DNS while in the provisional registration phase.

B3.6 The provisional registration process will be open until the number of provisional registrations specified by InternetNZ Council is received, or for a maximum of one month.

B3.7 If provisional registrations do not meet the threshold level set after one month, the 2LD will not be created. Applicants for provisionally registered domain names may receive a refund of the fee paid at the discretion of the registrar, and any domain names provisionally created in the proposed 2LD will be cancelled. No refunds will be made by the registry to registrars.

B3.8 If provisional registrations meet the threshold level set, the 2LD will be declared active, and the new 2LD included in the next zone push to the DNS. Registrars may commence offering ordinary registrations, with their usual .nz domain name terms and conditions, as soon as the declaration is made.

B3.9 A notice will be published on the DNC's website, announcing the new 2LD and pointing prospective registrants to the list of .nz registrars.

B4 Implementation – Moderated 2LDs

B4.1 If InternetNZ Council decides that an application for a moderated 2LD has succeeded, then the moderator will advise the DNC when they are ready to accept registrations.

B4.2 The DNC will, within ten working days, and with at least five working days' public notice, make a public announcement of the opening of the new moderated 2LD, and will publish the moderator's contact details and the moderation policy on the DNC's website.

B5 Changes to the moderation of existing 2LDs

B5.1 This clause applies to the following proposals for changes to the .nz domain name space:

- B5.1.1 To remove moderation from an existing moderated 2LD or to moderate an existing unmoderated 2LD.
- B5.1.2 To make substantive changes to a moderation policy, where "substantive" means that a domain name that was previously unregistrable in a 2LD becomes registrable, or vice versa.

B5.2 Any such proposal will be made to the DNC, using the process outlined above in clauses B1.2 – B1.3 of this policy.

B5.3 Proposals will be subject to public consultation along the lines outlined in clause B2 above. The process may be amended by the DNC depending on the nature of the proposed change.

B5.4 The DNC will consider the proposal after public consultation, and will make a recommendation to InternetNZ Council which will make a final decision.

SCHEDULE 1

Current 2LDs

List of .nz 2LDs as at 11 September 2012

1. There are currently 15 2LDs in the .nz DNS. The description of the communities of interest that each represents is as follows:

2LD	Community of Interest
.ac	Tertiary educational institutions and related organisations
.co	Organisations pursuing commercial aims and purposes
.cri	<i>Crown Research Institutes</i>
.gen	Individuals and other organisations not covered elsewhere
.geek	For people who are concentrative, technically skilled and imaginative who are

	generally adept with computers
.govt	<i>National, regional and local government organisations operating with statutory powers</i>
.health	<i>Registered practitioners and organisations whose principal purpose is to provide health and disability services.</i>
.iwi	<i>A traditional Māori tribe. Hāpū that belongs to a traditional Māori Iwi or taura here Iwi group operating with the permission of the main Iwi</i>
.kiwi	People (and organisations) that associate themselves with being Kiwi
.maori/.māori	Māori people, groups, and organisations

.mil	<i>Military organisations of the NZ Government</i>
.net	Organisations and service providers directly related to the NZ Internet
.org	Not-for-profit organisations
.parliament	<i>Agencies and individuals who are part of the parliamentary system but not a part of the executive government</i>
.school	Primary, secondary and pre-schools and related organisations

(italicised 2LDs are moderated)

2. InternetNZ has granted permission to organisations to moderate membership of six specific 2LDs. These are .cri.nz, .govt.nz, .iwi.nz, .health.nz, .mil.nz and .parliament.nz. Moderation means that applicants need to meet specific additional criteria in order to be included in each community of interest. The current moderation policies and contacts are at <http://dnc.org.nz/moderated-domains>.

SCHEDULE 2

1 Fees

<u>Fee</u>	<u>Amount</u>
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Unmoderated 2LDs	
Application fee	\$1,000, of which \$500 will be refunded should the 2LD be created.
Moderated 2LDs	
Application fee	\$3,000

2 Payment methods

2.1 Application fees are accepted by cheque (payee should be [Domain Name Commission Limited], and cheque must be drawn on a New Zealand bank account), by credit card (Visa, Mastercard), or by direct credit to our bank account (details available on request to 2LD@dnc.org.nz).