

# **Policy Interpretation of Special Operation to Regulate Domain Name Registration Service Market**

2015-05-20

## **I. What is the special operation to regulate domain name registration service market? Why has the special operation been launched? What is the priority task and objective of the special operation?**

The special operation to regulate the domain name registration service market (hereafter referred to as "the special operation") is launched by communication management bureaus of all provinces, autonomous regions and municipalities, various registries and registrars who are organized by Ministry of Industry and Information Technology are delegated to regulate the domain name registration service market.

In order to further regulate domain name registration services, create a fair and just domain name registration service market environment, ensure lawful rights and interests of customers and promote healthy and orderly development of domain registration service market, this special operation will put priority to regulate and clean the violations of laws and regulations such as providing domain name registration service without license or beyond permissible scope, failing to meet the requirements of real-name registration of domain name and adopting improper means like fraud and coercion to sell domain name.

**II. How is the development of China's current domain name market? Is it necessary to apply for relevant permits to conduct domain name registration service?**

As the internet industry management department of China, Ministry of Industry and Information Technology supervises and manages the relevant activities of domestic domain name registration service in accordance with "Management Method of China's Internet Domain Name" (No.30 Decree of former Ministry of Information Industry, hereinafter referred to as Domain Name Management Method).

In order to promote healthy development of China's internet and ensure safe and reliable operation of China's internet domain name system, registries and registrars established in China and engaged in domain name registration service should meet relevant conditions and obtain the approval of Ministry of Industry and Information Technology according to Domain Name Management Method. According to "The decision of the State Council on the Cancellation and Adjustment of a Number of Administrative Approval Items" (China, [2014] No.27), the approval of establishment of registrars has already been delegated to communication management bureaus of all provinces, autonomous regions and municipalities.

So far, 8 registries have obtained approval to operate, maintain and manage 14 top-level domains (See the table below); 93 registrars have obtained approval to develop relevant domain name registration service (the company names and permissible range are detailed in "Approval Table of Domain Name Registration Service Organizations" published on the website of Ministry of Industry and Information Technology).

<b>Number</b>	<b>Registry</b>	<b>Permissible Range</b>
<b>1</b>	China Internet Network Information Center(CNNIC)	“.cn”,“.中国”,“.公司”,“.网络”Top-level domain name registry

2	China Organizational Name Administration Center (CONAC)	“.政务”,“.公益”Top-level domain name registry
3	North dragon net (Beijing) Technology Co., Ltd.	“.网址”Top-level domain name registry
4	Thousand Oaks Netscape Beijing science and Technology Development Co. Ltd.	“.ren” Top-level domain name registry
5	Beijing Zhuoyuetongda Technology Co., Ltd.	“.wang”,“.商城”Top-level domain name registry
6	China CITIC Group Co. Ltd.	“.citic”,“.中信”Top-level domain name registry
7	Huanqiushangyu (Shenzhen) Co., Ltd.	“.商标”Top-level domain name registry
8	Jiangsu Bangning Technology Co. Ltd.	“.top”Top-level domain name registry

In domain name system, the top-level domains include general top-level domain (gTLD) and country code top-level domain (ccTLD). China's country top-level domain is ".cn", ".中国". On January 12, 2012, Internet Corporation for Assigned Names and Numbers (ICANN) officially opened the application of new general top-level domain and permitted the introduction of internationalized domain name general top-level domain (IDN gTLD) for the first time to further increase diversity, encourage competition and improve effectiveness of domain name system. So far, new general top-level domain authorized into the global root domain name system by ICANN has been close to 600. There have been over 40 domestic companies applying for new general top-level domain and the domestic domain name market will be expanded further.

### **III. What conditions shall be met to be engaged in domain name registration service?**

According to domain name management method, for registries and registrars established in China, to be engaged in domain name registration service, the following conditions shall be met.

- A. Application conditions. Relevant conditions of application for establishing registries and registrars specified in Article 12 and Article 14 of Domain Name Management Method shall be satisfied, including requirements of application organization, system setting, arrangement of professional personnel, long-term service capability, business development scheme, safeguard measures of network and information security, market withdrawal mechanism, etc.
- B. Management provisions of registries. Articles 18, 21, 23, 26, 27 and 35 of Domain Name Management Method explicitly specified that registry shall consciously abide by relevant state laws, administrative laws and regulations as well as rules to guarantee safe and reliable operation of domain name system and to provide secure and convenient domain name services to registrars in a fair and reasonable manner. Registry shall be equipped with necessary network and communication emergency equipment and perfect emergency regulations of network and information security; it should establish corresponding domain name registration implementation rules according to Domain Name Management Method and implement the rules after submission to Ministry of Industry and Information Technology for record; it shall publish the content, time limit and expense of domain name registration service and provide public inquiry service of domain name registration information, and the information shall not be used for other purposes; it is obliged to cooperate with national authorities to conduct inspection, if necessary, services such as relevant domain name analysis service shall be suspended or stopped as required.
- C. Management provisions of registrars. Articles 19, 26, 27, 28, 34, 35, etc. of Domain Name Management Method explicitly specified that registrar shall consciously abide by relevant state laws, administrative laws, regulations and rules to provide domain name registration services to users in a fair and reasonable manner. Improper means like fraud and coercion shall not be adopted to coerce users to register domain name; registrar shall publish the

content, time limit and expense of domain name registration service and provide public inquiry service of domain name registration information, and the information shall not be used for other purposes; it shall sign user registration agreement with domain name registration applicants to ensure the domain name registration information submitted by applicants is authentic, accurate and complete; it is obliged to cooperate with national authorities to conduct inspection, if necessary, services such as relevant domain name analysis service shall be suspended or stopped as required.

#### **IV. What is the schedule of the special operation?**

The special operation shall be conducted in April, 2015 and put into four stages which are self-inspection and investigation, field inspection, rectification, summarization and elevation.

The first stage: self-inspection and investigation (from middle April to middle July)

Communication management bureaus of all provinces, autonomous regions, municipalities shall organize the registrars under their jurisdiction for self-inspection. The registrars shall self-inspect the domain name registration service provided by them and their agencies according to the requirements within specific time, take measures to rectify those with problems, form self-inspection and self-correction report and submit it to the relevant communication management bureau of province, autonomous region, or municipality.

Meanwhile, communication management bureaus of all provinces, autonomous regions, and municipalities shall conduct diagnostic investigation on domain name registration service market under their jurisdiction, find out whether the entities within their jurisdiction provide domain name registration service beyond permissible range or without approval, or fail to satisfy real-name registration of domain name requirements or sell domain name by improper means like fraud and coercion.

The second stage: field inspection (from late July to late August)

Communication management bureaus of all provinces, autonomous regions, municipalities shall conduct field inspection on services like registration service provided by registrars according to the self-inspection report of registrars. If necessary, Ministry of Industry and Information Technology will perform random inspection on domain name registration service market by such means as setting across-province joint inspection group.

The third stage: rectification (September)

According to inspection result and relevant provisions, communication management bureaus of all provinces, autonomous regions and municipalities shall conduct comprehensive rectification on the institutions and companies whom still provide domain name registration service out of range or without approval, or fail to satisfy real-name domain name registration requirements and sell domain name by improper means like fraud and coercion.

The fourth stage: summarization and elevation (October)

Ministry of Industry and Information Technology shall organize communication management bureaus of all provinces, autonomous regions, municipalities to convene special operation summary meeting to consolidate achievements, explore long-lasting management mechanism and promote healthy and orderly development of domain name registration service market.

**V. What should registrar do for cooperation according to schedule of the special operation?**

A. Self-inspection stage (from middle April to middle July)

In the self-inspection and investigation stage, registrars shall self-inspect the domain name registration services of their own and their agencies in accordance with the priority of the special operation within the required time frame, take measures to rectify existing problems timely, form self-inspection and write up investigation report and submit it to the communication management bureau of province or autonomous region or municipality where the organization is located.

1. The registrars involved with domain name registration service provision out of range or without approval shall conduct rectification timely and submit supplementary "Application Materials of Domain Name Registration Service Institution" to the communication management bureau of province, autonomous region or municipality where it is located for application within time limit of the stage;
2. The registrars failing to meet the requirements of real-name registration shall conduct rectification timely and submit supplementary materials for real-name registration;
3. The registrars in violation of laws such as propaganda exaggeration or domain name sales by improper means like fraud and coercion shall conduct rectification timely and complete rectification within time limit of this stage.
4. The registrars with ICANN certification shall also submit application documents to the communication management bureau of province, autonomous region or municipality where they are located and obtain their approval to establish domain name registration service in China.

**B. Field inspection and rectification stage (From late July to September)**

According to relevant provisions of Domain Name Management Method, in field inspection and rectification stage, registrars and their agencies are obliged to cooperate with Ministry of Industry and Information Technology and communication management bureaus of all provinces, autonomous regions, municipalities in full power to conduct work like field inspection, random inspection and rectification including relevant materials submission and on-site demonstration. If necessary, domain name analysis service must be suspended or stopped as required.

**VI. Does the special operation have influence on the users who have already registered via illegal registrars?**

The objective of this special operation is to regulate domain name registration service and promote healthy and orderly development of domain name

registration service market. Ministry of Industry and Information Technology or communication management bureaus of all provinces, autonomous regions and municipalities will impose corresponding punishments on illegal registrars in accordance with specified conditions; nevertheless domain names having been registered by users will not be influenced. In order to protect lawful rights and interests of users, it is suggested that users transfer registered domains to legal domain name registration service institutions in accordance with the requirements of Article 32 of Domain Name Management Method.

**VII. Which channel can be used to inquire the list and service scope of legal domain name registration service institutions? Is there any complaint or report mechanism?**

So far, there are a total of 93 organizations having been approved to establish domain name registration service and conduct corresponding domain name registration service (the company names and permissible range are detailed in "Approval Table of Domain Name Registration Service Organizations" published on the website of Ministry of Industry and Information Technology). After the delegation of the approval of establishing domain name registration service institution, communication management bureaus of all provinces, autonomous regions, municipalities will approve and reply to eligible organizations to establish domain name service agency and develop domain name registration service with corresponding top-level domain in accordance with relevant provisions of Domain Name Management Method. Relevant approval results will be updated and published in "Approval Table of Domain Name Registration Service Organizations".

In case of any illegal operation such as operation out of permissible range or without approval and domain name sales by improper means like fraud and coercion, you are welcomed to send complaints to the supervision E-mail of Ministry of Industry and Information Technology (domain@mitt.gov.cn) or the E-mail of communication management bureaus of all provinces, autonomous regions,

municipalities receiving social complaints and reports; you can also reach us via telephone.

For further inquiry please visit <http://en.brandma.com/> or contact Brandma at [info@brandma.co](mailto:info@brandma.co)