

Postal and Telecommunications (Domain Names Registration and Management) Regulations, 2023

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Postal and Telecommunications (Domain Names Registration and Management) Regulations, 2023

IT is hereby notified that the Minister of Information Communication Technology, Postal and Courier Services has, in terms of section 99 of the Postal and Telecommunication Act [*Chapter 12:05*], after consultation with the Authority, made the following regulations:—

Title

1. These regulations may be cited as the Postal and Telecommunications (Domain Names Registration and Management) Regulations, 2023.

Interpretation

2. In these regulations—

“Domain name resellers” means a person that has been accredited by the Registrar to create, delete, add, modify or change Domain names under .zw country code;

“applicant” means a person submitting a request for registration of a Domain name;

“administrator” means an individual appointed by a Domain name holder to manage the Domain name on behalf of the holder;

“bad usage of a Domain name” means usage of a Domain name—

- (i) primarily for the purpose of selling the Domain name to a party holding a right validly recognised or established in Zimbabwe; or
- (ii) to prevent the holder of a validly recognised or established name in Zimbabwe from obtaining that Domain name; or
- (iii) primarily for the purpose of disrupting the business of a competitor; or
- (iv) to attract Internet users, for commercial gain, to a web site by creating a likelihood of confusion with a name corresponding to a right validly recognised or established in Zimbabwe; or
- (v) for which there is no demonstrable link between the holder and the Domain name registered;

- “register” means a database of all Domain names, Domain name holders, Domain name resellers and administrators kept at the Registry by the Registrar;
- “registry” means the Registry established in section 4;
- “contact” means the record of a specific person (natural or legal) maintained in the Registry. A Contact may be administrative, technical or in the Holder’s role.
- “day of registration” means the day when the registration of the Domain name in the Register occurs;
- “delegated Domain name” means a Domain name created by a particular Domain name reseller and assigned to a different Domain Name Reseller for management;
- “Domain” means a set of host names consisting of a single Domain name and all the sub Domain names below it;
- “Domain name” means second-level or third-level Domain consisting of a combination of permissible characters in respect of electronic addresses or other resource on the internet;
- “Domain Name Parking” means the act of registering a Domain name and leaving it lying idle without any connection with an online service;
- “holder” means a person in whose name the Domain name is registered with the Registry;
- “key set” means a record file containing at least one Delegation Signer (DS) record according to RFC4034 intended for secure delegation of the Domain name by means of the Domain Name System Security Extension (DNSSEC) technology and at least one technical Contact;
- “name server set” means a record file containing at least 2 name servers and at least one technical Contact;
- “authority” means the Postal and Telecommunications Regulatory Authority of Zimbabwe;
- “SLD” means Second Level Domain which may be, “. gov. zw; ac.zw; .net. zw;.org.zw; .co.zw;” and any other, that may be created by the Authority and published as a General notice in the *Gazette*.

Application

3. These regulations apply to every registration under the country code Top Level Domain also called the national Domain of the Republic of Zimbabwe.

Establishment of National Domain Names Registry

4. (1) The Authority shall establish a Registry to be known as the National Domain Names Registry (the registry) to facilitate the registration and management of Domain names under the .zw country code.

(2) The Registry shall be an entity licenced by the Authority as an Application Services Provider to manage the .zw ccTLD.

(3) The primary servers of the Registry shall be in Zimbabwe housed at any Data Centre that connects to the Harare Internet Exchange (HIX) and shall have regional or international redundancy.

(4) The Registry system must allow automated registration of Domain names created by Domain name resellers.

Functions of Registry

5. (1). The Registry established in terms of section 4 shall be responsible for:

- (a) creation of an interactive Domain name management platform based on the current Extensible Provisioning Protocol (EPP), or any standards provided as directed by the Authority from time to time;
- (b) accreditation of Domain name resellers;
- (c) in consultation with the Authority, development and publication policy and guidelines concerning the .zw country code;
- (d) development of a comprehensive dispute resolution mechanism in consultation with the Authority;
- (e) activation and de-activation of Domain name reseller's right to use the system;
- (f) protection of personal data and information of Domain name holders from loss, misuse, unauthorised access or disclosure, alteration and destruction;

- (g) keeping records of all Domain names registered in Zimbabwe;
- (h) providing technical support services to Domain name resellers;
- (i) keeping a record of reserved name list, that is, the list comprising names that cannot be registered by the public, unless there is express authorisation by relevant authorities such as —
 - (i) countries;
 - (ii) cities;
 - (iii) constitutional authorities;
 - (iv) provinces;
 - (v) Government departments;
 - (vi) specific geographically significant names; and
 - (vii) National monuments, dams, mountains;
- (J) facilitating efficient communication between the Registry and that of Domain name resellers and in particular ensuring:
 - (i) session management;
 - (ii) Domain registrations;
 - (iii) Domain updates;
 - (iv) Domain renewals;
 - (v) Domain deletions;
 - (vi) Domain queries; and
 - (vii) Domain transfers;
- (k) enhancing public awareness on the benefits of Domain name registration in Zimbabwe;
- (l) conducting research and keeping abreast with international developments on Domain Name Systems management.

Procedures for accreditation of Domain name resellers

6. (1) No person shall create Domain names unless he or she is accredited by the Registrar as a Domain name reseller.

(2) An application for accreditation shall be made to the Registrar in a specified form accompanied by the following documents—

- (i) certified copies of the entity's constitutive documents;
- (ii) business profile; and
- (iii) any other document that the Registrar may request.

(3) Within 30 days of receipt of the application, the Registrar shall consider the application and make a decision to—

- (a) accredit an applicant as a Domain name reseller; or
- (b) reject the application and give reasons for the rejection.

(4) A Domain name reseller shall pay application and licence fees as specified in the First Schedule.

(5) The Registrar shall issue a licence with conditions to a Domain name reseller.

Obligations of Domain name resellers

7. (1) A Domain name reseller shall—

- (a) upon receiving an application from an applicant—
 - (i) verify the accuracy of the information, provided by an applicant for registration;
 - (ii) register Domain names; and
 - (iii) manage information associated therewith;
in accordance with procedures set out in these regulations;
- (b) manage the holder's Domain Name, through an agreement approved by the Authority;
- (c) not disclose personal data and information of registered Domain name holders to any third party unless required to do so by law;
- (d) ensuring that personal data and information stored is not accessible, disclosed or published without the consent of the holder;
- (e) transmit the Domain name and Domain name holder's information to the Registry within 24 hours of creation of Domain names;
- (f) not make changes in the Registry without express consent of the Domain name holder.

(2) A Domain name reseller shall not activate the Domain name before it is registered in the Registry.

Suspension and termination of Domain name resellers

8. (1) The Registrar may suspend a Domain name reseller for a period of not more than 90 days, with conditions, if the Domain name reseller fails to comply with provisions of these regulations.

(2) Before taking action in subsection (1), the Registrar shall notify the Domain name reseller in writing the nature of the alleged breach and call upon the Domain name reseller to make representations why it shall not be suspended within seven days.

(3) The Domain name reseller shall within the period specified in subsection (2), show cause in writing why it should not be suspended.

(4) The Registrar after considering representations made by the Domain name reseller may—

- (a) give a written warning; or
- (b) issue a written directive on what the Domain name reseller must do or refrain from doing, within a specified period; or
- (c) fine the Domain name reseller; or
- (d) suspend and notify the Domain name reseller of the date and venue of a hearing.

(5) The Registrar shall within seven days appoint an *ad hoc* disciplinary committee consisting of a relevant IT expert, a person registered as a legal practitioner and any one person with knowledge and expertise in accounting or administration.

(6) The disciplinary committee shall hear the matter and submit its findings and recommendations to the Registrar 15 days before the expiration of the period provided in subsection (1).

(7) After conducting its hearing the disciplinary committee may recommend to the Registrar—

- (a) lifting of the suspension; or
- (b) cancellation of certificate;

of the Domain name reseller.

(8) The suspension of a Domain name reseller shall not result in the suspension of Domain names registered through the Domain name reseller under suspension.

(9) Where a Domain name reseller is aggrieved by the decision of the Registrar, he or she may appeal to the Authority within 14 days.

Classification and assignment of Domain names

9. (1) The country code Domain name shall be divided into sub-Domains at the second level as outlined in the Second Schedule.

(2) Unlimited generic .zw registrations, shall be opened to the public at the second level at a premium.

(3) Unlimited generic 3rd level registrations will be open to the public under.co.zw, org.zw and .net.zw

(4) The sub-Domains .gov.zw, and .ac.zw and .edu.zw shall be reserved for the Government and Educational institutions only.

(5) Creation of sub-Domains under .gov.zw shall be carried out only by the Government Domain name reseller, or by Domain name resellers, designated by the Government.

(6) Creation of sub-Domains under .ac.zw and .edu.zw shall be carried out by any other Domain name resellers accredited to create Domain names under the aforesaid sub-Domains.

(7) One or two-character Domain registration, shall not be allowed at the 2nd and 3rd levels for use by the general public.

General principles and rules on Domain name registration

10. (1) Domain name registration is a listing service that operates on a “first come, first served” basis.

(2) Domain name applicants shall be persons with the necessary legal capacity to conclude a registration agreement with the Domain name reseller.

(3) No person shall register a Domain name which enjoys prior intellectual property rights.

(4) The Registrar and the Domain name reseller, shall establish a system(s) that will detect and deregister parked Domain names. Any person who registers Domain names for purposes of parking commits an offence.

(5) Domain Names must conform to the following conditions—

- (a) Domain Name may contain characters [a-z,0-9,-] only.
- (b) the maximum Domain name length must, be not more than 63 characters.
- (c) a Domain name must not begin or end with a dash (—)
- (d) a Domain name must not contain two dashes (—) in sequence.

Application for Domain name registration

11. (1) Any person wishing to register a Domain name shall submit an application to a Domain name reseller.

(2) An application for a Domain name registration shall be accompanied by the following—

- (a) applicant's name;
- (b) applicant's address;
- (c) applicant's contact numbers;
- (d) applicant's email address;
- (e) National ID or constitutive documents; and
- (f) a fee specified in the Schedule.

(3) Domain name resellers shall create Domain names according to the order in which the applications for registration were delivered and must file and keep records of every application received.

(4) A Domain name is registered for a period of 12 months, beginning on the day of registration of the Domain name and renewed annually.

(5) The Registrar shall register the Domain name if—

- (a) the registration request does not contain any imperfections preventing it from further processing;
- (b) the existing Domain name has been assigned with an existing contact in the role of the holder;
- (c) all required information has been properly filled in and verified by the Domain name reseller;
- (d) the requested Domain name is not registered at the time of processing;

- (e) the requested Domain name conforms to the regulations for the creation of Domain names.

Delegation of Domain names

12. (1) The Registrar may delegate a registered Domain name to which a minimum of two name server sets are assigned.

(2) Prior to delegation, the Registrar shall conduct manual or automated periodic technical inspections of name servers in the name server set and of Delegation Signer (DS) records in the Key Set assigned to the Domain name, in order to make sure that there is no lame delegation.

(3) Domain name delegation ceases immediately upon cancellation of the registered Domain name, even when a name server set, is still assigned to it.

Transfer of Domain names

13. (1) The Registrar may transfer a Domain name to a new holder, upon a written request submitted by the Domain name holder, through the Domain name reseller, who created the Domain name.

(2) The Registrar shall obtain the written consent of the future holder of the Domain, before transfer.

(3) The transfer of the Domain name does not affect its validity.

Renewal of Domain names

14. (1) A Domain name holder may apply for renewal of his or her Domain name 30 days before expiry date of the Domain name through a Domain name reseller.

(2) A Domain name reseller shall give the Domain name holder at least 45 days' notice before the expiry date.

(3) An application for renewal of a Domain name, shall be filed with the Domain name reseller for registration in a specified format.

(4) The Domain name holder shall pay applicable renewal fees contained in the Third Schedule.

(5) A renewal may be for a period longer than the tenure, granted at the initial registration of the Domain name;

Provided that the renewal fee for each year is paid for the extended tenure which shall not exceed three years.

Cancellation of Domain names

15. (1) The Registrar may cancel the registration of a Domain name on the following grounds—

- (a) upon receiving a request from the Domain holder through the Domain name reseller of the Domain name;
- (b) where the Domain name is worded contrary to public morals;
- (c) where the Domain name incites violence;
- (d) where that name is identical or confusingly similar to a name in respect of which a right is established;
- (e) where it is established that the Domain name is Domain-parked.

(2) Upon cancellation of a Domain name, no refund will be given to the Domain name holder.

Licences and administration fees

16. The fees for Domain name registration by the Domain name reseller on behalf of the holder, shall not exceed the fee specified in the Third Schedule.

Processing and protection of Personal data by Registrar

17. (1) The Registrar shall process and protect data within the Register, subject to the Cyber and Data Protection Act [*Chapter 12:07*].

(2) The Registrar may take such technical measures aimed at limiting harm and ensure that the operation and stability of the Registry systems are maintained.

(3) The Registrar shall not bear any responsibility for the damages incurred due to measures he or she reasonably implements in terms of subsection (2).

Rights and obligations of Domain name holders

18. The holder of a Domain name shall—

- (a) have the right to use that name during the validity of the registration;

- (b) provide the Domain name reseller, with accurate and reliable information on Domain registration and update them as necessary.

Exemption from liability for damages

19. (1) No liability shall attach to the Authority, the Registrar or the Domain name reseller, or to any of their employees, for any loss or damage sustained by any person as a result of the *bona fide* exercise or performance of any function in terms of these regulations.

(2) The holder of a Domain name shall be liable for damages caused to the Registry, by provision of incorrect or misleading data.

Procedure for dispute resolution between holders and Domain name resellers

20. (1) In the event of any dispute between the Domain name reseller and Domain name holder, the dispute shall first be referred to the Registrar, and if no amicable solution is found, the issue shall be referred to the Authority and if an amicable solution is again not found, the issue shall be referred for mediation and Arbitration by relevant parties.

(2) In the event of any dispute between the Registrar and Domain name holder, the parties—

- (a) shall arrange for mediation; and
- (b) where mediation fails refer the dispute for arbitration.

Transitional provisions

21. After promulgation of these regulations, existing Domain name holders and Domain name resellers shall, within twelve (12) months after establishment of registry, register their Domain names with the Registrar.

Offences and penalties

22. (1) Any person who contravenes sections 6, 7, 10, 11, 13, 14, 16 and 18 of these regulations commits an offence and shall, on conviction, be liable to a fine not exceeding level 14.

(2) Any person who contravenes any section of these regulations shall be liable to an administrative fine of not more than USD\$10 000.

Repeal

23. Part 3 of the Postal and Telecommunications (Internet Services) Regulations, 2001, published in Statutory Instrument 262, 2001, is hereby repealed.

FIRST SCHEDULE

FEEES FOR ACCREDITATION OF REGISTRARS

Description	Registrars Fees
Registrar Accreditation Fee	US\$ 30
Accreditation Renewal Fee	US\$20/yr

SECOND SCHEDULE

CLASSIFICATION AND ASSIGNMENT OF DOMAIN NAMES

Sub-domain	Assignment
(a) .zw	shall be open to the general public
(b) .co.zw	shall be open to the general public
(c) .gov.zw	shall be reserved for government
(d) .ac.zw	shall be reserved for educational institutions
(e) .edu.zw	shall be reserved for educational institutions
(f) .net.zw	shall be reserved for network service providers
(g) .org.zw	shall be open to the general public

THIRD SCHEDULE

REGISTRY FEES FOR REGISTRATION OF DOMAIN NAMES

Description	Registrar's fees	National Registry Fees
Domain Registration Registry Fee	US\$15	US\$10
Domain Renewal Registry Fee	US\$10	US\$5
Domain Transfer Registry Fee	US\$5	US\$2

