

# **Proposed schedule 4 of the .nz Rules — Transitional provisions ending Conflicted Names Process**

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Consultation period: 30 October 2024 to 27 November 2024

## Definitions

Except to the extent that the context otherwise requires, the definitions in the Definitions and Interpretation clause of the .nz Rules apply to this Schedule 4 of the .nz Rules, and:

**Conflicted Domain Name** means a domain name at the second level that is blocked in the Registry and subject to preference claims by holders of the equivalent Third Level Domain Names.

**Conflicted Domain Names Database** means a database operated by the Domain Name Commission where domain holders have registered their preferences for Conflicted Domain Names.

**Dates and times** referred to in this Schedule are references to the New Zealand time zone

**Determination fee** means the sum of \$1,000.

**Exception Process** means either Process A or Process B described in this Schedule.

**Ex-Conflicted Domain Names For Release** means a domain name described in clause 7 below.

**Final Resolution Period** means the date that this Schedule commences and ends at mid-day on Tuesday, 3 June 2025 and further described in clause 5 below.

**Last Person Standing Resolution** means a Conflicted Domain Name that has resolved to the Domain Name Holder of a Qualifying Third Level Domain Name because it is the final Third Level Domain Name in the conflict set.

**Permanent Block List** is a List of Domain Names within the .nz Registry that cannot ever be registered.

**Process A** means the security exception process appended to Schedule 4 of the .nz Rules.

**Process B** means the Te Reo exception process appended to Schedule 4 of the .nz Rules.

**Qualifying Third Level Domain Name** means a Third Level Domain Name in respect of which a preference for a conflicted domain name is lodged.

**Second Level Domain Name** means a .nz domain name registered at the top level, like 'anyname.nz'.

**Third Level Domain Name** means a .nz domain name registered in a Moderated Domain or an Unmoderated Second Level Domain, like 'anyname.org.nz'

## Status

1. This Schedule 4 supplements Schedule 3 of the .nz Rules and should be interpreted in conjunction with it.
2. It comes into effect on a date prescribed and notified by InternetNZ.

## Repeal

3. Schedule 3 and Schedule 4 of the .nz Rules will be repealed by decision of InternetNZ Council at the first reasonable opportunity after the following has been completed:
  - A. The last Conflicted Domain Name that is subject to being released has been released; and
  - B. All Exception Processes have been determined and implemented.

## Saving

4. If, as a result of an Exception Process, a Second Level Domain Name is added to a Permanent Block List its status as blocked is indefinite and survives the repeal of this Schedule.

## Transitional provisions

### Final Resolution Period

5. The end date for resolution of Conflicted Domain Names is mid-day on Tuesday, 3 June 2025, meaning:
  - a. At mid-day on Tuesday, 3 June 2025 the ability to change preferences in the Conflicted Domain Names Database will cease, and if changes of preference are made after that time they will not be recognised as valid or actioned.
  - b. The final 'Last Person Standing Resolutions' recognised for resolution purposes will be those relating to a deletion of a Qualifying Third Level Domain Name that occurred before mid-day on Tuesday, 3 June 2025.

### Final registrations

6. All Conflicted Domain Names that are resolved as at mid-day on Tuesday, 3 June 2025 must be registered by mid-day on Tuesday, 5 August 2025.

### Release

7. A Conflicted Domain Name becomes known as a "Ex-Conflicted Domain Name For Release" where the Conflicted Domain Name is:

- a. A Conflicted Domain Name that was not resolved by mid-day on Tuesday, 3 June 2025; **or**
  - b. A Conflicted Domain Name that was resolved by mid-day on Tuesday, 3 June 2025 but the domain name holder to whom it resolved has not registered the relevant domain name by mid-day on Tuesday, 5 August 2025; **and**
  - c. Excludes a Conflicted Domain Name that is subject to an Exception Process (that was duly filed within the required time period under Process A or Process B and in respect of which the Determination Fee has been paid).
8. Ex-Conflicted Domain Names For Release will be released for general registration under a process administered by the .nz Registry at its absolute discretion.

## Ancillary matters

9. The following preferences are made obsolete when this Schedule 4 commences:
- a. the preference ‘don't think anyone should get the shorter version of your domain name’; and
  - b. the preference ‘don't think anyone should get the shorter version of your domain name and think it should become its own second level like .co.nz, .org.nz or .school.nz’.
10. The only recognised preference options during the Final Resolution Period will be:
- a. the preference ‘want to try and get the shorter version of your domain name’; and
  - b. the preference ‘don't want the shorter version of your domain name and don't care who gets it’.
11. As soon as reasonably practicable after this Schedule 4 commences the following preferences:
- a. ‘don't think anyone should get the shorter version of your domain name’; and
  - b. ‘don't think anyone should get the shorter version of your domain name and think it should become its own second level like .co.nz, .org.nz or .school.nz’

will be changed by the administrator of the Conflicted Domain Names Database to ‘I want the domain name’.

## Process A — Security exception process

### Overview

1. This process applies to Conflicted Domain Names that are not resolved during the Final Resolution Period.
2. Conflicted Domain Names whose release for general registration would carry a risk of harm to the community can be considered by an expert panel for alternative treatment.
3. In particular, the release of the Conflicted Domain Name must be at odds with the .nz Rules principle that:

.nz should be secure and trusted: .nz infrastructure must be dependable and secure, and .nz be trusted
4. This includes, but is not limited to, domain names that are descriptive of famous brands or associated with public facing Government services, where there is significant risk of harm.

### Panel

5. A panel of suitably qualified experts will be appointed by InternetNZ to determine the applications under this process.

### Application process

6. The holder of a Qualifying Third Level Domain Name can apply for a determination by paying a fee of \$1,000 and submitting all relevant information on which they rely.
7. The final date for filing an application under this process (and paying the Determination Fee) is mid-day on Tuesday 30 September 2025.
8. In addition, the panel may self-identify domain names in the list of Ex-Conflicted Domain Names For Release that it will examine for alternative treatment but only limited to those that were not resolved in the Final Resolution Period.

### Determination

9. The panel will determine its own processes but will be guided by natural justice principles and will give adequate opportunity for submission by any parties identified as having a valid interest.
10. The panel may decide to:
  - a. Award the Conflicted Domain Name to a Qualifying Third Level Domain Name holder;

- b. Award the domain name to another party who agrees to register it within a set timeframe;
- c. Determine that it can be released for general registration; or
- d. Determine that it should be added to a Permanent Block List.

### **Implementation**

11. InternetNZ will implement the decision of the panel.

## **Process B — Support ‘te reo Māori me ōna tikanga’ exception process**

### **Overview**

1. This process applies to Conflicted Domain Names that are not resolved during the Final Resolution Period.
2. Conflicted Domain Names whose release for general registration would be against the .nz Rules principle of supporting ‘te reo Māori me ōna tikanga’ can be considered by an expert panel for alternative treatment.
3. This includes, but is not limited to, domain names that are descriptive of iwi or kupu Māori of special significance.

### **Panel**

4. A panel of suitably qualified experts will be appointed by InternetNZ to determine the applications.

### **Application process**

5. The holder of a Qualifying Third Level Domain Name can apply for a determination by paying a fee of \$1,000 and submitting all relevant information on which they rely.
6. The final date for filing an application under this process (and paying the Determination Fee) is mid-day on Tuesday 30 September 2025.
7. In addition, the panel may self-identify domain names in the list of Ex-Conflicted Domain Names For Release that it will examine for alternative treatment but only limited to those that were not resolved in the Final Resolution Period.

### **Determination**

8. The panel will determine its own processes but will be guided by natural justice principles and will give adequate opportunity for submission by any parties identified as having a valid interest.

9. The panel may decide to:
  - a. Award the Conflicted Domain Name to a Qualifying Third Level Domain Name holder;
  - b. Award the domain name to another party who agrees to register it within a set timeframe;
  - c. Determine that it can be released for general registration; or
  - d. Determine that it should be added to a Permanent Block List.

**Implementation**

10. InternetNZ will implement the decision of the panel.