

Submission 1 — Domain Name Commission

Submission on .nz Rules changes consultation – May 2025

The Domain Name Commission (DNC) is required under the Operating Agreement with InternetNZ, to provide significant input into changes to .nz policies (now known as the .nz Rules). This includes, identifying changes that could better achieve the intended outcomes of the .nz Rules. Where it does so DNC shall notify those to InternetNZ for its consideration. DNC shall provide such support as reasonably required by InternetNZ to enable InternetNZ to develop or modify any .nz Rules.

DNC's submission is provided pursuant to its obligations under the Operating Agreement and is independent of InternetNZ. DNC supports the proposed changes to the .nz Rules notified on 12 May 2025 for the following reasons:

1. **Introductory - Participants' section:** The proposed amendments align this section with InternetNZ's role description in the rest of the .nz Rules.
2. **Introductory - How these rules are organised – Policies:** The proposed insertion of the word 'respective' clarifies the differing roles of InternetNZ and DNC.
3. **Definitions (Compliance Lock):** The proposed additions clarify that the lock can be used under clause 12.2.16 and specifies the effect of the compliance lock.
4. **Definitions (IDN):** The proposed amendment aligns the definition with standard industry language and the rest of the .nz Rules.
5. **Definitions (Query Search):** The proposed addition introduces a necessary definition.
6. **Acronym Glossary (DS):** The proposed amendment aligns the definition with standard industry language and the rest of the .nz Rules.
7. **Throughout (DNC):** The proposed amendments align the abbreviation with DNC's current standard abbreviation.
8. **Throughout (DRS):** The proposed amendment aligns the description in the .nz Rules with the current name – 'scheme' rather than 'service'.
9. **Throughout (capitalisation of defined terms):** The proposed amendments make defined terms easily identifiable in the body of the .nz Rules.
10. **Throughout (defined terms match definition section):** The proposed amendments bring consistency to the meanings of terms used in the body of the .nz Rules and reduce the possibility of confusion.



Barbara Pearce
Domain Name Commissioner
Domain Name Commission

Submission 2 — Aleisha

Kia ora,

These are minor language amendments that clarify the intent of the rules and I support them

Ngā mihi

Aleisha

Submission 3 — The Domain Name Company Limited

The Domain Name Company Limited submits the following feedback in regard to the changes proposed in

<https://internetnz.nz/assets/Summary-of-proposed-changes-in-v-3.2.pdf>

Compliance Lock definition

The Domain Name Company Limited considers that the Compliance Lock can and has been used abusively as a tool of coercion and/or in a manner that is unlawful under New Zealand law. In the absence of a defined notice period, escalation and appeal process governing its use, the ambiguous wording and absence of accountability undermines the security, stability and reputation of the .nz namespace.

InternetNZ ultimately controls the .nz Register (a database) and by its own admission records all transactions that occur within it. Precluding the lawful registrant (aka the “Domain Name Holder”) from modifying their own record must reasonably and foreseeably result in economic harm. Given all actions taken by a registrant are recorded by InternetNZ and can be “rolled back”, Compliance Locks are unnecessary.

If in the alternative InternetNZ still considers Compliance Locks to be necessary, at minimum their use must only be as a last resort and be governed by a formal procedure requiring:

1. Written notification which clearly lays out 1) which clause / sub-clause is being invoked to justify its use; 2) why; 3) all evidence supporting the aforementioned; and 4) signed and dated by the person making the decision – thereby creating a clear audit trail
2. A notice period prior to its imposition (except in situations such as national security or a force majeure event) during which the registrant can submit an appeal / review of the decision to an independent party
3. Full and transparent accountability for its use including sanctioning the decision maker where its use is ultimately overruled

In the absence of the above, InternetNZ must inevitably and repeatedly become a party to litigation, as those impacted exercise their lawful rights to redress.

12.2.16(b) states “[if] necessary to preserve the security, stability or resilience of the

DNS” without clearly defining who is authorised to make this determination, how much notice should be given and how any decision can be independently reviewed/overridden. “necessary” implies use under this sub-clause should be restricted to significant events only – this should be clearly stated.

12.2.17 states “*The Commissioner can impose a Compliance Lock when a .nz domain name has been sanctioned*” without defining the term “sanctioned” , how much notice should be given and how any decision can be independently reviewed/overridden. Sanctioned must be clearly defined and the Commissioner must be held fully accountability for its use.

For these reasons, The Domain Name Company Limited does not support any change to the Compliance Lock definition and furthermore calls for its complete removal from the .nz Rules.

The Domain Name Company Limited

<https://www.domain.co.nz>

Submission 4 — Anonymous

Regarding the clauses around compliance locks below, in particular clauses b, c.

These seem to be extraordinarily open ended, for instance "necessary to preserve the security, stability or resilience of the DNS" what exactly does this mean?

What are some previous examples or examples of a situation that this refers to?

Why is this not more defined instead of being very open ended?

regarding part c sections i and ii "there is an emergency or exceptional circumstances (for example, terrorist attack, cyber security attack, pandemic, or other force majeure event) and the Commissioner reasonably considers:

- i. the use of the .nz domain name is causing, or may cause, irreparable harm to any person or to the operation or reputation of the .nz domain space
- ii. the action would mitigate or minimise the harm and be proportionate to it."

This sounds like an attempt to back door censorship?

For example the term "Pandemic" is used here, lets say for example a person had come out during the pandemic and said things contrary to the governments or health departments messaging, well under this clause if that person had a .nz domain they could potentially be censored?

I use this as an example since the now head of the NIH in the United States Dr Jay Bhattacharya was doing exactly this during the pandemic and was proved to be correct.

Under this clause if He had of had a .nz domain then he would be censored.

Again this is nothing but an attempt to back door censorship by being purposely vague.

"Actions in relation to Domain Name Holders

12.2.15. DNCL must not suspend or cancel a .nz domain name under clause 12.2.8 unless DNCL determines that:

- a. the Register data for that .nz domain name is incorrect and DNCL has made more than one attempt to contact the Domain Name Holder
- b. the warranty the Domain Name Holder gave in clause 2.2.3 was misleading or incorrect or the Domain Name Holder has failed to comply with its obligations under these .nz Rules
- c. the Domain Name Holder obtained the .nz domain name by fraud or deception
- d. cancelling the .nz domain name is necessary to preserve the integrity of the .nz Register or the security, stability or resilience of the DNS.

12.2.16. The Commissioner can change the Registrar of a .nz domain name, or suspend, assign, cancel or impose a Compliance Lock on it, if:

- a. not doing so would be contrary to the terms of an order from a court or tribunal of competent jurisdiction or otherwise unlawful
- b. necessary to preserve the security, stability or resilience of the DNS
- c. there is an emergency or exceptional circumstances (for example, terrorist attack, cyber security attack, pandemic, or other force majeure event) and the Commissioner reasonably considers:
 - i. the use of the .nz domain name is causing, or may cause, irreparable harm to any person or to the operation or reputation of the .nz domain space
 - ii. the action would mitigate or minimise the harm and be proportionate to it.

12.2.17. The Commissioner can impose a Compliance Lock when a .nz domain name has been sanctioned or to preserve the position of a Party using the Dispute Resolution Service or during an investigation. A locked .nz domain name cannot be amended in any way by the Registrar (including being transferred, cancelled or released)."

Submission 5 — Leah Symekher

Dear .NZ Team,

We have reviewed the amendments to the .nz Rules and have no feedback and approve the amendments.

Please let us know if you need any further action from us on this. Thank you.

Regards,

Leah Symekher

Registry Operations Manager, Tucows Inc.