

Appendix 2: Comparison table

We have prepared this document to assist people to compare the current .nz policies and the draft .nz Rules we released for consultation in February 2021.

Given the comprehensive nature of the rewrite of .nz policies in the .nz Rules, we may not have identified all the material changes. We have however done our best to show where we sourced the provisions of the draft .nz Rules and comment on notable differences to assist your review.

Draft .nz Rules	Current policies	Comment
Clause 1: General policies	Clause 1 contains provisions sourced in: <ul style="list-style-type: none"> clause 6.1 Operations and Procedures Policy the principles in clause 2.1 .nz Framework Policy clause 3.1 Principles and Responsibilities Policy 	
Clause 2: Registration of a .nz domain name	Clause 2 contains provisions sourced in: <ul style="list-style-type: none"> clause 4.2 Principles and Responsibilities Policy the principles in clause 2.1 .nz Framework Policy clause 17.1 Operations and Procedures Policy clause 5.6 Operations and Procedures Policy clause 7 Operations and Procedures Policy clause 4.1 Principles and Responsibilities Policy clause 12.3 Operations and Procedures Policy clause 5 Operations and Procedures Policy clause 9 Operations and Procedures Policy 	Clause 2.3.6 provides a proposed new requirement for registrars to inform domain name holders that the domain name has been registered and tell them about DNCL. We have not retained clause 16.6 of the Operations and procedures policy. The clause provides that Registrars can require domain name holders to provide a statutory declaration. Registrars do not need a clause in the .nz Rules to do this. If they wish they can include a term along the lines of clause 16.6 in their contract with the domain name holder.
Clause 3: Changing the Domain Name Holder	Clause 3 contains provisions sourced in clause 16 Operations and Procedures Policy	Clause 3 uses the generic 'authorisation code' rather than 'UDAI'.
Clause 4: Changing the Registrar	Clause 4 contains provisions sourced in: <ul style="list-style-type: none"> clause 3.3 Principles and Responsibilities Policy clause 15 Operations and Procedures Policy clause 14 Operations and Procedures Policy 	Clause 4.2.6 provides a proposed new requirement for registrars to publish information about how domain name holders can transfer their domain name to another registrar. Clause 4 uses the generic 'authorisation code' rather than 'UDAI'. Clause 4.2.8 provides a proposed new requirement for registrars to notify domain name holders before doing a bulk transfer.
Clause 5: Cancelling a .nz domain name	Clause 5 contains provisions sourced in: <ul style="list-style-type: none"> clause 17 Operations and Procedures Policy clause 18 Operations and Procedures Policy clause 7.12 Operations and Procedures Policy 	
Clause 6: Optional features of .nz domain names	Clause 6 contains provisions sourced in: <ul style="list-style-type: none"> clause 8 Operations and Procedures Policy clause 12 Operations and Procedures Policy 	Clause 6.2.2 provides a proposed new requirement for registrars to help their domain name holders understand the privacy option. There are new provisions on the new registry lock service. This was consulted on in September 2020. A decision on whether to include the new registry lock provisions in the current .nz policies will be made in 2021. The new provisions in the draft .nz Rules have been written on the assumption the new service will have been incorporated into the .nz policies before the .nz Rules come into effect. If so, the sequence of events would be: <ul style="list-style-type: none"> provisions on the new registry lock service along the lines of those consulted on in September

		<p>2020 are incorporated into the current .nz policies</p> <ul style="list-style-type: none"> • provisions the new registry lock service come into effect as proposed in the draft .nz Rules (subject to agreement to / modification of the draft .nz Rules).
Clause 7: Registrar billing	<p>Clause 7 contains provisions sourced in:</p> <ul style="list-style-type: none"> • clause 5 Principles and Responsibilities Policy • clause 13 Operations and Procedures Policy 	
Clause 8: Roles, responsibilities and obligations	<p>Clause 8 contains provisions sourced in:</p> <ul style="list-style-type: none"> • Principles and Responsibilities policy • clause 11.2 Operations and Procedures Policy • clause 11.5 Operations and Procedures Policy 	<p>We recommend people look carefully at the proposed obligations that would apply to them. Most of the changes we have made are to clarify and consolidate from different parts of the current .nz policies. We have also included proposed changes, mostly of a minor nature.</p> <p>Clause 8.2.2(i) extends the time from which domain name holders can make a complaint about a registrar from 60 days from the date the relevant service was supplied to them to seven years from the date the events giving rise to the complaint occurred.</p> <p>Clause 8.2.5(c) would make explicit that registrars cannot make changes to a domain name holder's domain name unless they are directed to do so.</p> <p>Clause 8.2.13 uses a test relating to "the integrity of the .nz Register or the security, stability or resilience of the DNS" rather than 'extreme circumstances' in clause 21.4.4 of the Operations and Procedures Policy. This is a test used in various places in the draft .nz Rules.</p>
Clause 9: Moderated domains	<p>Clause 9 contains provisions sourced in:</p> <ul style="list-style-type: none"> • clause 6 Principles and Responsibilities Policy • clause 10 Principles and Responsibilities Policy • clause 7.16 Operations and Procedures Policy 	<p>Clauses 7.16.1 of the Operations and Procedures Policy and 6.1 of the Operations and Procedures Policy have not been retained. They required the Moderator to approve the registration of a domain name in the moderated domain before being registered. Under clause 9.2.1(c), moderators would need to ensure the moderated domain is run in accordance with the Moderation Policy, including in relation to the requirements for registrations in the moderated domain.</p> <p>Clause 9.2.1(b) provides a proposed new requirement for moderators to provide DNCL with an up-to-date copy of the moderation policy. Clause 9.3.1 requires DNCL to make publicly available a copy of the Moderation Policy.</p> <p>Clause 9.2.5(a) provides a proposed new requirement for the Commissioner to ensure that the proposed amendments to a moderation policy are not contrary to law.</p> <p>Clause 9.3.3 provides more details on the consultation requirements before a moderation policy is amended.</p> <p>Clause 9.3.5 provides more details about the notice requirements before a .nz domain name is cancelled.</p>
Clause 10: Information management	<p>Clause 10 contains provisions sourced in:</p> <ul style="list-style-type: none"> • clause 7 Principles and Responsibilities Policy • clause 21 Operations and Procedures Policy • clause 22 Operations and Procedures Policy • clause 23 Operations and Procedures Policy • clause 24 Operations and Procedures Policy 	<p>Clause 10.2.3(ii) proposes a test of "emergency or exceptional" circumstances rather than 'extreme circumstances' in clause 21.4.4 of the Operations and Procedures Policy. This is to make the test consistent with clause 12.2.15.</p> <p>Clause 10.2.7 proposes that DNCL give the requester and the domain name holder 10 working days to comment rather than the 5 in clause 22.14 of the Operations and Procedures Policy.</p> <p>Clause 10.2.30(b) would enable DNCL to approve an application for Zone Data if satisfied "there is a sufficient public good justification to release the Zone Data that outweighs any adverse effect on any Domain Name Holder's privacy". This retains the test in clause 23.3 of the Operations and</p>

		<p>Procedures Policy. Clause 7.10 of the Principles and Responsibilities has not been retained. Under that clause, there must be no adverse effect on any Registrant's privacy, whether directly or indirectly.</p> <p>Clause 10.3.6 proposes that supporting documentation be given to DNCL within 10 working days or by agreement with DNCL.</p>
Clause 11: Authorisation of Registrars	<p>Clause 11 contains provisions sourced in:</p> <ul style="list-style-type: none"> ● clause 7.1 Operations and Procedures Policy ● clause 3.3 Principles and Responsibilities Policy ● clause 2.1 .nz Framework Policy ● clause 3 Operations and Procedures Policy ● Clause 4 Operations and Procedures Policy 	<p>Clause 4.9 and 4.10 of the Operations and Procedures Policy have not been retained in the draft .nz Rules. Those clauses enabled DNCL to authorise an entity to act as a temporary registrar on the de-authorisation of a registrar and prohibited registrars from offering hosting services to domain name holders as a way of securing transfers of domains to them. It is no longer necessary to appoint temporary registrars, given that there are now more than 80 authorised registrars.</p>
Clause 12: Complaints and enforcement	<p>Clause 12 contains provisions sourced in:</p> <ul style="list-style-type: none"> ● clause 3 Principles and Responsibilities Policy ● clause 13.1 Principles and Responsibilities Policy ● clause 19 Operations and Procedures Policy ● clause 11 Operations and Procedures Policy ● clause 14 Principles and Responsibilities Policy ● clause 20 Operations and Procedures Policy 	<p>Clause 12.2.10(d) is a new proposed provision enabling DNCL to take any similar action to those in clause 12.2.10 it considers appropriate in the circumstances.</p> <p>Clause 12.2.14(d) is a new proposed provision enabling DNCL to cancel a domain name to preserve the integrity of the register or the security, stability or resilience of the DNS.</p> <p>Clause 12.2.19 creates the concept of a 'compliance lock'. This is the same as the lock DNCL can currently impose. The name is merely to distinguish it from the Registry lock service.</p> <p>Clause 12.3.1 provides a proposed new requirement for registrars to consult with DNCL before notifying a reseller it has breached the .nz Rules.</p>
Conflicted names	Not reproduced	<p>The conflicted names provisions have not yet been included in the draft .nz Rules. We will be considering these provisions as part of our work on the Category 2 recommendations.</p>
Dispute resolution service	Not reproduced	<p>The dispute resolution service has not been included in the draft .nz rules. Revising this document is likely to be included in the work we will be doing to align the Authorisation Agreement and Connection Agreement with the new terminology etc if the draft .nz Rules are adopted.</p>