

THK 34 A/2000 M

UNOFFICIAL TRANSLATION

Regulation

ON THE FINNISH DOMAIN NAMES ON THE INTERNET

Issued in Helsinki on 9 June 2000

The Telecommunications Administration Centre has, under section 37 of the Telecommunications Market Act of 30 April 1997 (396/1997), and section 8 of the Telecommunications Market Decree of 7 May 1997 (424/1997), prescribed as follows:

Section 1

Scope of Application

This Regulation shall apply to domain names under the top-level domain of Finland, the root "fi" of the Internet.

Section 2

Definitions

In this Regulation the concepts shall have the following meanings:

- 1) *Internet*, a worldwide information network based on the TCP/IP Protocol;
- 2) *TCP/IP Protocol*, (Transmission Control Protocol/Internet Protocol) a communication protocol applied in the Internet, by means of which computers and other types of equipment communicate with each other;
- 3) *IP address*, a piece of individual identification information that a computer or some other type of equipment uses when it is connected to an information network using the TCP/IP protocol;
- 4) *top-level domain name*, generic top-level domain names (gTLD) and country code top-level domain names (ccTLD);
- 5) *root "fi"*, a top-level domain of the Internet assigned to Finland by the IANA (Internet Assigned Numbers Authority), under which the Finnish domain names of the Internet are grouped;

6) *domain name*, a second-level domain of the Internet, by means of which a name server connects communications to the IP address of the holder of a domain name;

7) *Finnish trade mark*, a trade mark consisting of only letters, digits or one or more words and entered in the register referred to in section 12 of the Trade Marks Act (Tavaramerkkilaki 7/1964), a common mark referred to in section 1 of the act on common marks (Yhteismerkkilaki 795/1980) and entered in the above mentioned register, or a community trade mark referred to in chapter 10 a of the Trade Marks Act and entered in the trade mark register of the community trade mark office. Further is stated that the holder of the mark shall be duly entered in the relevant register and have his domicile in Finland; and

8) *public corporation*, a juridical person whose main task it is to perform the official duties laid down in legislation or who may use public authority.

Section 3

Application for a domain name

The Telecommunications Administration Centre grants the right to use a domain name.

The right to use a domain name shall be applied for by using a form confirmed by the Telecommunications Administration Centre or in some other way approved by the Telecommunications Administration Centre either in writing or via the information network. On application for the right to use a domain name via the information network such a procedure shall be followed for the sending of documents as is stated in the act on electronic handling of business in the administration (Laki sähköisestä asioinnista hallinnossa 1318/1999).

An organization, a practitioner or a businessman or a branch of a foreign entrepreneur that is to be entered in the Trade Register, Register of Associations or Register of Foundations cannot apply for the right to use a domain name before the register referred to in the trade register act (Kaupparekisterilaki 129/1979), associations act (Yhdistyslaki 503/1989) or foundations act (Säätiölaki 109/1930) has a relevant record of the party in question.

Section 4

Holder of a domain name

The right to use a domain name can be granted a Finnish organization, practitioner or businessman and the branch of a foreign entrepreneur that have been entered in the register referred to in subsection 3 of section 3 and a Finnish public corporation.

If many applicants apply for the same, with the conditions of this Regulation complying domain name, the first applicant shall be granted the right to use the domain name in question.

Section 5

Domain names and number of domain names

The name of an applicant referred to in subsection 3 of section 3 who has been entered in the register referred to in that subsection and the registered Finnish trade mark of this applicant may be registered as a domain name.

As the domain name of a public corporation may be registered the name of the corporation, the abbreviation of the name, another name that depicts the public tasks and the Finnish trade mark registered for this corporation. The abbreviation of the name or any other name shall differentiate from the names entered in the registers referred to in subsection 3 of section 3, and from the trade marks entered in the register referred to in section 12 of the Trade Marks Act and in the trade mark register of the community trade mark office referred to in chapter 10 a of the Trade Marks Act.

Everyone that on the basis of section 4 is entitled to use a domain name has the right to get the right to use one or several domain names.

If the applicant cannot be granted his registered name or Finnish trade mark referred to in subsection 1 as his domain name, the applicant may be granted the domain name he has applied for, if an epithet is added that the Telecommunications Administration Centre has validated, or if the domain name is shortened to conform to the stipulations of subsection 1 of section 6. This

stipulation is also applicable when a public corporation applies for a domain name under subsection 2 on the basis of its name, abbreviation of name, another name that depicts the public tasks or Finnish trade mark.

Section 6

Restrictions concerning the domain name

A domain name may comprise at the minimum three and at the maximum sixty characters. The characters may be the letters a-z, the digits 0-9 and the hyphen.

The domain name shall not be capable of being mistaken for the IP address that is formed by digits and the prerequisite for the technical use of the domain name.

A top-level domain name in use in the information network cannot be registered as an applicant's domain name.

A domain name must neither be contrary to good practice nor misleading.

The right to use a domain name consisting of only a geographical name is reserved for the State, municipalities, towns or provincial federations.

The right to use a revoked or changed domain name or a domain name on which there has been served a notice of termination can be granted another applicant at the earliest three months after the revocation, change or notice of termination.

Section 7

Change and transfer of a domain name

On application for a change of domain name or transfer of the right to use a domain name the same procedure shall be followed as is stated in subsection 2 of section 3 concerning the application for a domain name.

The holder of a changed domain name has the right to use his former domain name for three months at the maximum after the approval of the change of domain name, if the Telecommunications Administration Centre does not order otherwise in individual cases.

Section 8

Technical requirements

The Telecommunications Administration Centre issues separate technical regulations on how name servers of the Internet shall be configured to serve the domain name and how the e-mail connections of the domain name shall be defined. The right to use a domain name or changed domain name shall not be granted nor shall the right to use a domain name be transferred before it has been checked that the definitions of the domain name and its e-mail connections fulfil these requirements and that the server and e-mail connections of the domain name are in working order.

Section 9

Register of domain names

The Telecommunications Administration Centre keeps a register of the domain names.

In the register shall be entered the information needed for the administration of domain names.

Section 10

Notice of termination of a domain name

The holder of a domain name may give notice of termination of the right to use his domain name using a free-form written communication or via the Internet as stated in subsection 2 of section 3 about the application for a domain name.

Section 11

Revocation of a domain name

The Telecommunications Administration Centre has the right to revoke the right to use a domain name, if

- 1) the definition of the domain name continuously violates the technical regulations referred to in section 8;

- 2) a court of justice or another competent authority has forbidden the use of the domain name;
- 3) the domain name offends the stipulations of this Regulation due to a change of the name of the holder of the right to use the domain name, or due to some other reason; or
- 4) another weighty reason in connection with the administration of the domain names occurs.

The Telecommunications Administration Centre has the right to revoke the right to use a domain name, if the holder of the domain name does not pay the fee for granting, keeping, transfer or change of a domain name despite exhortation.

Section 12 **Change of information**

The holder of a domain name shall without needless delay inform the Telecommunications Administration Centre of changes in his contact information or other information he has given when applying for a domain name.

Section 13 **Appeal**

Anyone not satisfied with a decision made by the Telecommunications Administration Centre on the basis of this Regulation may appeal as enacted in the administrative judicial procedure act (Hallintolainkäyttölaki 586/1996).

The Telecommunications Administration Centre may, in its decision, order that the decision shall be enforced before it has gained legal force. The court of appeal may, however, deny the enforcement of the decision until the appeal has been settled.

Section 14 **Fees**

Separate regulations are issued on the fees for decisions on applications of domain names and for keeping of domain names.

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Section 15
Entry into force

This Regulation shall enter into force on 15 June 2000 and set aside the Regulation on the Finnish domain names on the Internet (THK 34/1997 M) issued by the Telecommunications Administration Centre on 23 May 1997. Applications that are pending when this Regulation enters into force shall, however, be handled according to Regulation THK 34/1997 M of the Telecommunications Administration Centre.

The rights to use domain names granted before the entry into force of this Regulation shall remain in force.

Section 16
Information and publication

This Regulation is included in the Series of Regulations issued by the Telecommunications Administration Centre and it can be obtained from the Customer Service Office of the TAC:

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Helsinki 9 June 2000

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