

Domain Name Act

(2003)

General provisions

Section 1

Objectives

The objective of this Act is to promote the provision of information society services in information networks by improving the availability of Finnish domain names and ensuring equal access to domain names.

Section 2

Scope of application

This Act shall apply to Internet domain names that end with the Finnish national country code Top Level Domain (*country code fi*) as well as to domain name management and delivery of domain name applications.

Section 3

Definitions

For the purposes of this Act:

1) *domain name* means second-level address information on the Internet under the national country code Top Level Domain consisting of letters, digits or other characters or their combination in the form of a name;

2) *root fi* means a database of the valid domain names;

3) *protected name or trademark* means a name or trademark that has been entered into the trade register or into the registers of trademarks, associations, foundations, or political parties; or an established name, a second-level domain or trademark referred to in the Business names act (128/1979) or Trademark act (7/1964); or a name of a public body, unincorporated state enterprise, independent public corporation, public association, or diplomatic mission of a foreign state or their bodies; and

4) *domain name service* means service that involves delivering a domain name application to the Finnish Communications Regulatory Authority, hereafter FICORA, and adjusting the domain name system as required for the use of a domain name.

A domain name and its duration

Section 4

Form and content of a domain name

- (1) A domain name shall include at least two characters. FICORA may issue an order according to which an appropriate number of two-character domain names shall be allocated to FICORA for the purposes of domain name management. FICORA shall give further provisions on characters acceptable in a domain name.
- (2) A domain name shall not be formed of:
 - 1) a sole word indicating a form of an enterprise, a foundation or an association, their abbreviation or a word 'trademark';
 - 2) a sole name of a natural person, unless the domain name is based on a registered name or trademark referred to in section 3 (3); or
 - 3) a sole Top Level Domain name that is used globally or as a country code.
- (3) A domain name must not be illegally based on a protected name or trademark owned by another party.
- (4) A domain name shall not include expressions that are insulting or incite into criminal activity.

Section 5 Applying for a domain name

- (1) A domain name that ends with the Internet country code of Finland is applied for in writing from FICORA using a form that FICORA has ratified. The application must include information necessary for the processing of the application.
- (2) FICORA shall issue further orders on the technical specifications necessary for a functional domain name.
- (3) A legal person, a private entrepreneur, a Finnish public body, an unincorporated state enterprise, an independent public corporation, a public association, and a diplomatic mission of a foreign state registered in Finland may apply for a domain name. The applicant may apply for one or several domain names. If there are several applications for the same domain name, the name shall be granted in favour of the application that has first arrived.
- (4) Domain names shall not be applied for with the purpose of redelivery.
- (5) The processing of an application shall be subject to a fee. The fee shall be in accordance with the grounds provided for in the Act on the Charge Criteria of the State (150 /1992). The application shall include an account of paying the fee.

Section 6 FICORA's obligation to seek verification

- (1) It shall be FICORA's obligation to strive by technologically and financially appropriate means to ensure that the applied domain name meets the requirements provided for in section 4.
- (2) An automated service system may be used to verify the applications. It shall be built in a way that allows an applicant to verify whether or not the requirements set for the form and content of the domain name are met. The system shall also inform the applicant of the consequences that may result from feeding in wrongful data through the system. FICORA shall appoint an official to be responsible for the handling of the process through the automatic service system.

Section 7 Granting a domain name

- (1) If an application meets the requirements set for the applicant and the form and content of a domain name, FICORA must grant the domain name to the applicant. The domain name shall be valid for no more than three years at a time.
- (2) An application shall expire, if it is insufficient or FICORA notices some other impediment of technical nature that prevents its approval and regardless of a request the applicant does not remedy the insufficiency or impediment in the minimum period of one month. The applicant shall be informed, if the application expires because of an insufficiency or an impediment that has not been remedied. The applicant has a right to be informed of the expiry at request.

Section 8 Change and transfer of a domain name

- (1) A domain name holder may apply for a change of a domain name from FICORA. The holder of a changed domain name may use its previous domain name for a maximum period of three months after the approval of the change, unless FICORA continues the period at the holder's justified written request. FICORA may grant the changed domain name to a new applicant three months after the approval of the change, at the earliest.
- (2) A domain name may be transferred to another party. The transfer shall be effective, when the receiver of the transferred name has made an application for the transfer in accordance with section 5 and the holder of the domain name has consented to the transfer. An application for a transfer shall not be processed, if a decision on revocation or termination of a domain name is pending in FICORA.
- (3) If a transfer is applied because a court of law has through a final decision affirmed the applicant's right to the domain name, FICORA must transfer a domain name.

Section 9 Renewal of a domain name

- (1) A domain name holder may renew the name for a maximum period of three years at a time by informing FICORA about it and paying a fee that has been determined in accordance with the Act on Charge Criteria of the State. FICORA shall inform the domain name holder about the possibility to renew the name by sending a letter to the address informed by the holder by no later than two months before the name expires.

- (2) A domain name shall expire and FICORA shall remove it from the root fi, if the domain name holder has not taken any action by the informed date to renew the name.
- (3) FICORA may grant the expired domain name to a new applicant no earlier than three months after the name has expired.

Section 10 Withdrawal of a domain name

- (1) A domain name holder may withdraw the name with a written notification to FICORA. The withdrawal shall become effective as of the informed withdrawal date. If no date has been informed, the withdrawal shall become effective on the date when the notice of the withdrawal has arrived to FICORA.
- (2) FICORA may grant the domain name that has been withdrawn to a new applicant no earlier than three months after the withdrawal has become effective.

Section 11 Termination of a domain name

- (1) FICORA may terminate a domain name for a maximum period of one year, if:
 - 1) the police or prosecuting authority has requested to terminate the name due to probable cause to suspect that the domain name is used with a purpose to commit a crime;
 - 2) there are no functional name servers available for the domain name, or other technical specifications related to the network are continuously or essentially in violation of the orders of FICORA referred to in section 5 (2), and regardless of FICORA's request the defects have not been remedied;
 - 3) there is probable cause to suspect that the domain name has been transferred to another party without the consent of the holder of the domain name, protected name or trademark, and the holder requests that the domain name be terminated, and the transferee has not presented an acceptable reason for its right within a period of two weeks;
 - 4) there is probable cause to suspect that the domain name is a protected name or trademark and the holder of the name or trademark requests that the name be terminated, and the transferee has not presented an acceptable reason for its right within a period of two weeks; or
 - 5) there is probable cause to suspect that the domain name is a derivative of a protected name or trademark that has been obtained with the obvious intention of obtaining benefit or harming another, and the holder of the name or trademark requests that the name be terminated, and the transferee has not presented an acceptable reason for its right within a period of two weeks.
- (2) At request, FICORA may continue the time period for a weighty reason. As soon as the reason for terminating the domain name has been removed, FICORA shall return the domain name to the root fi.

Section 12 Revocation of a domain name

- (1) FICORA may revoke a domain name, if:
 - 1) the application data delivered to FICORA are in essential parts insufficient or defective, and the domain name holder has not, regardless of a request, corrected or complemented the data;
 - 2) there are weighty reasons to suspect that the domain name has been transferred to another party without the consent of the holder of the domain name, protected name or trademark, and the holder requests that the name be revoked, and the transferee has not presented an acceptable reason for its right within a period of two weeks;
 - 3) there is probable cause to suspect that the domain name is a protected name or trademark and the holder of the name or trademark requests that the name be revoked, and the transferee has not presented an acceptable reason for its right within a period of two weeks;
 - 4) there are weighty reasons to suspect that the domain name is a derivative of a protected name or trademark that has been obtained with the obvious intention of obtaining benefit or harming another, and the holder of the name or trademark requests that the name be revoked and the transferee has not presented an acceptable reason for its right within a period of two weeks;

5) a court of law has given a final decision that forbids the use of the domain name;

6) the domain name holder no longer exists;

7) termination of the domain name by virtue of section 11 (1) (2) has lasted for at least one month and regardless of the request of FICORA the defect has not been remedied after that;

8) after granting the domain name it has become apparent that the name includes insulting expressions or incites into criminal activity or it has been formed against the provision of section 4 (2) (2) and section 3; or

9) the applicant's obvious intent has been to redeliver the domain names.

- (2) FICORA may grant a revoked domain name to a new applicant no earlier than three months after the revocation. Notwithstanding the provisions of this subsection and subject to the conditions laid down in this Act, FICORA may transfer a domain name that has been revoked by virtue of subsection 1 (2-4) above to a party that has requested the revocation and applied for the domain name.

Miscellaneous provisions Section 13 Obligations of the holder

A domain name holder shall for its part:

1) ensure that the technical specifications referred to in section 5 (2) necessary for the use of the domain name are continuously available;

2) inform FICORA in writing of any changes in the data submitted in the domain name application; and

3) at request provide FICORA with other information necessary for the purposes of monitoring the compliance with this Act and regulations issued by its virtue.

Section 14 Domain name service provider

- (1) A domain name service provider shall submit a written notification to FICORA before launching its operations. The notification shall include the service provider's identification and contact data and an account of the quality and scope of operations. The notification shall be made on a form certified by FICORA.
- (2) The service provider shall for its part:
- 1) ensure that the name services necessary for an applicant's domain name are functional;
- 2) notify in writing of any changes in the name server or service provider data in the domain name application; and
- 3) act on regulations issued by FICORA concerning domain names.
- (3) FICORA may make a complaint to the domain name service provider that essentially or repeatedly violates the obligations of subsection 2. If a domain name service provider, regardless of a complaint, repeatedly violates the obligations of subsection 2, FICORA may decide to oblige it to remedy the defect. If the service provider, regardless of the decision, essentially violates the obligations of subsection 2, FICORA may forbid the domain name service provider to deliver domain name applications to FICORA for a maximum period of one year.
- (4) For general purposes, FICORA may keep a list of domain name service providers that have been prohibited to deliver applications. The list must show that the decision concerning the prohibition is legal. FICORA shall remove the delivery prohibition data from the list within a month after the prohibition period ends. Everyone shall be entitled to receive information on the listed delivery prohibitions. FICORA may publish the list on its Internet pages. However, the list on the Internet shall include data only on prohibition decisions that are legally valid. Otherwise the processing of personal data appearing on the list shall be subject to provisions of the Personal Data Act (523/1999).
- (5) A domain name service provider shall without delay inform FICORA in writing of any changes in the data referred to in subsection 1.

Section 15 Domain name register

- (1) For the purposes of applying for domain names and for other general use FICORA shall keep a public register of granted domain names, which shall include the following information retrieved from applications and notifications:
 - 1) the domain name;
 - 2) public contact information of the applicant;
 - 3) data on name servers;
 - 4) contact information of the technical administrator; and
 - 5) other technical data necessary to administer the domain name.
- (2) Data from the domain name register may also be provided in electronic form and through a public information network. Otherwise processing of personal data appearing on the register shall be subject to provisions of the Personal Data Act.

Section 16 Supervision

Ministry of Transport and Communications shall be responsible for the general supervision of operations complying with this Act.

Section 17 Responsibilities of FICORA

- (1) In addition to other provisions of this Act, FICORA shall:
 - 1) supervise that this Act and regulations issued by its virtue are observed;
 - 2) manage the country code fi;
 - 3) develop the domain name register system;
 - 4) be responsible for data transfer between name servers of the root fi and the global Internet network;
 - 5) attach the domain names to the root fi;
 - 6) be responsible for the information security of the root fi; and
 - 7) at request provide certificates and extracts from the domain name register.
- (2) FICORA may, at request, provide information on domain names and related documents either as a written extract, with the help of a technological interface or in some other form that can be automatically processed.
- (3) An automatic signature may be used in a decision or a document concerning domain names.

Section 18 Appeal

- (1) As provided in the Administrative Judicial Procedure Act (586/1996), an appeal can be filed to the Administrative Court of Helsinki against FICORA's decision made by virtue of this Act. FICORA may rule in its decision that regardless of the appeal FICORA's decision must be observed unless otherwise prescribed by the appellate authority.
- (2) FICORA has the right to file an appeal against the decision of the Administrative Court of Helsinki.

Section 19
Entry into force

- (1) This Act enters into force on 2003.
- (2) Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.
- (3) This Act repeals the Regulation on the Finnish Domain Names on the Internet (34A/2000 M), hereafter the domain name regulation.

Section 20
Transitional provisions

- (1) Domain names granted before the entry into force of this Act shall be in force without a renewal for three years as of the date of the entry into force of this Act.
- (2) An application pending under the Regulation on the Finnish Domain Names on the Internet 34/1997 M shall expire as this Act enters into force. An application pending under the domain name regulation shall expire six months after this Act enters into force.
