

## **Domain Name Act**

**(228/2003; amendments up to 397/2009 included)**

### **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 (187/2006)**

#### **Scope of application**

This Act applies to Internet domain names that end with the national country code Top Level Domain of Finland (country code fi) or with the region code Top Level Domain of Åland (region code ax) as well as to domain name management and delivery of domain name applications.

#### **Section 3 (241/2005)**

#### **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. fi or the region code Top Level Domain .ax consisting of letters, digits or other characters or their combination in the form of a name; (187/2006)
- 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 secondary mark or trademark referred to in the Business Names Act (128/1979) or Trademarks 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;

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; and

5) natural person's name means a person's official name consisting of a first name and last name as referred to in the Names Act (694/1985).

## **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';

(Section 2 has been repealed by the Act of 21 April 2005 (241/2005).)

3) a sole Top Level Domain name that is used globally or as a country code.

(3) A domain name shall not be illegally based on a protected name or trademark owned by another party or on a natural person's name. (241/2005)

(4) A domain name shall not include expressions that are insulting or incite into criminal activity.

### **Section 4 a (187/2006)**

#### **Applying for a domain name**

(1) A domain name 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.

Information necessary for the processing of a natural person's application contains at least the applicant's name, personal identification number, postal address, e-mail address and facts about name servers connected to the domain name.

(2) FICORA issues further orders on the technical specifications necessary for a functional domain name.

(3) 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 warehousing them for redelivery.

(5) The processing of an application is subject to a fee. The fee is determined in accordance with the grounds provided in the Act on Criteria for Charges Payable to the State (150 /1992). The application shall include an account of paying the fee.

### **Section 5 (187/2006)**

#### **General requirements for granting a domain name**

(1) A domain name that ends with the country code .fi is granted to:

- 1) a legal person or a private entrepreneur registered in Finland;
- 2) a Finnish public body, an unincorporated state enterprise, an independent public corporation, and a public association;
- 3) a diplomatic mission of a foreign state; and
- 4) a person of at least 15 years of age, who has a residence as referred to in Municipality of Residence Act (201/1994) in Finland and a Finnish personal identification number.

(2) A domain name that ends with the region code .ax is granted to:

- 1) a private entrepreneur who has the right of domicile in Åland as referred to in the Act on the Autonomy of Åland (1144/1991) or has a place of domicile or permanent place of business in the region of Åland;
- 2) a legal person who has a permanent place of business in Åland or is registered in Åland;
- 3) a public body, an unincorporated state enterprise, an independent public corporation, and a public association that operates or is registered in Åland; and
- 4) a person of at least 15 years of age, who has a place of domicile in Åland or the right to domicile in Åland as referred to in the Act on the Autonomy of Åland.

## Section 6

### FICORA's obligation to seek verification

(1) It is FICORA's obligation to strive by technologically and financially appropriate means to ensure that the applied domain name meets the requirements provided 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 handling the process in 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 shall grant the domain name to the applicant. The domain name shall be valid for no more than five years at a time. (397/2009)

(2) An application expires, if it is insufficient or FICORA notices some other impediment of technical nature preventing its approval and, regardless of being requested to do so, the applicant fails to remedy the insufficiency or impediment in the minimum period of one month. The applicant shall be informed of an application's expiry due to an insufficiency or an impediment that has not been remedied. The applicant has a right to be informed, at request, of his or her application's expiry.

## Section 8

### Transfer of a domain name

(Subsection 1 has been repealed by the Act of 5 June 2009 (397/2009), which will enter into force on 1 September 2009.)

(2) A domain name may be transferred to another party. The transfer shall be effective, when the transferee has made an application for the transfer in accordance with section 4 a 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. (397/2009)

(3) If a transfer is applied because a court of law has given its final decision affirming the applicant's right to the domain name, FICORA shall transfer the domain name.

## Section 9

### Renewal of a domain name

(1) A domain name holder may renew the name for a maximum period of five years at a time by informing FICORA about it and paying a fee determined in accordance with the Act on Criteria for Charges Payable to 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. (397/2009)

(2) If the domain name holder has not taken any action by the informed date to renew the domain name, the name expires and FICORA removes it from the root fi.

(3) FICORA may grant an expired domain name to a new applicant no earlier than a month after the name has expired. (397/2009)

## Section 10

### Withdrawal of a domain name

(1) A domain name holder may withdraw a domain 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 a notice of the withdrawal arrives to FICORA.

(2) FICORA may grant a domain name that has been withdrawn to a new applicant no earlier than a month after the withdrawal has become effective. (397/2009)

## 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 a termination of the name because there is probable cause to suspect that the domain name is used with a purpose of committing a crime;

Paragraph 2 has been repealed by the Act of 5 June 2009 (397/2009), which will enter into force on 1 September 2009.

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; (241/2005)

5) there is probable cause to suspect that the domain name is a derivative of a protected name or trademark or a derivative of a natural person's name that has been obtained with the obvious intent of obtaining benefit or harming another, and the holder of the name or trademark requests that the name be terminated, and the domain name holder has not presented an acceptable reason for its right within a period of two weeks. (241/2005)

6) there is probable cause to suspect that a domain name based on a natural person's name is in the possession of a natural person with another name and the domain name holder has not presented an acceptable reason for his or her right within a period of two weeks; (241/2005)

7) there is probable cause to suspect that a domain name based on a natural person's name is in the possession of a legal person that is not the possessor of the rights to the protected name or trademark corresponding to the person's name and the domain name holder has not presented an acceptable reason for his or her right within a period of two weeks. (241/2005)

(2) At request, FICORA may extend 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 are weighty reasons 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 domain name holder has not presented an acceptable reason for its right within a period of two weeks;

3 a) there are weighty reasons to suspect that a domain name based on a natural person's name is in the possession of a natural person with another name or in the possession of a legal person that is not the possessor of the rights to the protected name or trademark corresponding to the person's name, and the domain name holder has not presented an acceptable reason for his or her right within a period of two weeks; (241/2005)

4) there are weighty reasons to suspect that the domain name is a derivative of a protected name or trademark or a derivative of a natural person's name that has been obtained with the obvious intent of obtaining benefit or harming another, and the holder of the name or trademark requests that the name be revoked and the domain name holder has not presented an acceptable reason for its right within a period of two weeks; (241/2005)

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 or the legal person entered as the domain name holder has never been created; (397/2009)

7) there are no functional name servers available for the domain name, or the network technology related to the domain name is in other respects continuously or essentially in violation of the technical orders of FICORA, and regardless of FICORA's request the defect has not been remedied within one month of the request; (397/2009)

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 (3); or (241/2005)

9) the applicant's obvious intent has been to warehouse domain names for the purpose of redelivering them.

(2) FICORA may grant a revoked domain name to a new applicant no earlier than a month after the revocation. Notwithstanding the provisions of this subsection, FICORA may, upon application and subject to the conditions laid down in this Act, transfer a domain name that has been revoked by virtue of subsection 1 (2–4) above to a party that has requested the revocation. (397/2009)

## **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 4 a(2) necessary for the use of a domain name are continuously available; (397/2009)

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

3) at request, provide FICORA with other information necessary for the purpose of monitoring the compliance with this Act and with regulations issued under it.

## 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 information 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 information in the domain name application; and

3) comply with the regulations issued by FICORA concerning domain names.

(3) FICORA may issue a note to a domain name service provider that essentially or repeatedly violates the obligations of subsection 2. If a domain name service provider, regardless of a note, repeatedly violates the obligations of subsection 2, FICORA may issue a decision obliging the service provider 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 from delivering 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 from delivering applications. The list shall indicate whether the decision concerning the prohibition is final. FICORA shall remove the delivery prohibition data from the list within a month after the prohibition period ends. Everyone is 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 final. 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 purpose of domain name application 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, which in terms of a natural person include the applicant's name, postal address and telephone number; (241/2005)
- 3) data on name servers;
- 4) contact information of the technical administrator; and
- 5) other technical data necessary to administer the domain name.

(2) A natural person may forbid the entering of his or her contact information referred to in subsection 1(2) into the domain name register, except for the name. (241/2005)

(3) Data in the domain name register may be stored as long as the related domain name is valid. (241/2005)

(4) 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 15 a (241/2005)

### Customer register

(1) Besides the domain name register, FICORA keeps a person register (customer register), which is necessary for the recognition of natural persons, for the purposes of FICORA's customer management, renewal procedure of domain names, termination and revocation of domain names, and examining technical problems related to domain names. In addition to data referred to in section 15(1–2), the following data about the domain name applicant or holder may be entered into the register:

- 1) personal identification number;
- 2) language used in customer contact;
- 3) e-mail address;
- 4) user identification;
- 5) customer number;

6) other information essential and necessary for customer management.

(2) Data in the customer register may be stored as long as the related domain name is valid. If a person's registration as a system user does not result in a granted domain name or if a domain name holder withdraws the name, data on the registered user shall be kept for a year after the registration or withdrawal.

(3) No data shall be released from the customer register concerning a person's personal identification number, user identification or authorisation key. Other data in the register may be released if necessary for serving the purposes referred to in subsection 1.

(4) Otherwise the processing of personal data entered into the customer register shall be subject to the provisions of the Personal Data Act.

## **Section 16**

### **Guidance and development**

The Ministry of Transport and Communications is responsible for the general guidance and development of operations complying with this Act.

## **Section 17**

### **Duties of the Finnish Communications Regulatory Authority**

(1) In addition to other provisions laid down in this Act, FICORA shall:

- 1) supervise that this Act and regulations issued under it are observed;
- 2) manage the country code fi;
- 3) develop the domain name system; (397/2009)
- 4) be responsible for data transfer connections between name servers of the root fi and for interconnection traffic to the global Internet network;
- 5) be responsible for attaching 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, or 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 17 a (241/2005)**

#### **Electronic notification of a domain name decision**

(1) With the domain name applicant's or holder's consent a notification of the domain name decision may be issued by e-mail. The decision is considered to have been issued once the domain name applicant or holder sends a receipt reply message to FICORA.

(2) If a domain name applicant or holder has provided FICORA with contact information that are in essential parts insufficient or incorrect or has failed to provide an essential piece of contact information, and these information have not been corrected or filled in later, and it is therefore not possible to notify of the decision in any other way, FICORA shall notify of the issuance of the domain name decision by placing a notification on the matter on its public Internet pages for a period of one month. The public notification shall state that information of the decision is deemed to have been received a month after the notification was published.

(3) Otherwise the provisions of the Administrative Procedure Act (434/2003) and the Act on Electronic Services and Communication in the Public Sector (13/2003) shall apply to administrative procedures concerning domain names.

### **Section 18**

#### **Appeal**

(1) As provided in the Administrative Judicial Procedure Act (586/1996), an appeal may 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 appeal FICORA's decision shall be observed unless otherwise ordered 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 1 September 2003.

(2) Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.

(3) This Act repeals FICORA's 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 34/1997 M of the Telecommunications Administration Centre on the Finnish Domain Names on the Internet expires as this Act enters into force. An application pending under the domain name regulation expires six months after this Act enters into force.

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Application and entry into force of amendment provisions

The Act of 21 April 2005 (241/2005):

This Act enters into force on 1 March 2006.

The Act of 17 March 2006 (187/2006):

This Act enters into force on 27 March 2006.

The Act of 5 June 2009 (397/2009):

(1) This Act enters into force on 1 September 2009.

(2) Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.