

•pt Terms and conditions (registration rules)

Suggestions and Comments: Answers

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ARTICLE	COMMENT or SUGGESTION	.PT ANSWER
Article 6 Heading	The heading of this article refers to "admissibility of a domain name", however, the content of the article speaks exclusively on 'non-admissibility'. It is suggested a possible change of the article's heading.	Changed in .pt Registration Rules [New wording]: Non-admissibility of a domain name
Article 6 (1) paragraph b)	What should be considered "words or expressions contrary to the law"?	Changed in .pt Registration Rules [New wording]: Corresponds manifestly to obscene language or to words or expressions contrary to the law. The analysis of the violation of the provisions of article 6 (1) paragraph b) of the .pt Registration Rules will necessarily be made on a case-by-case basis, however, the .PT will block a set of names whose registration is not allowed under the Rules and which will include names that we consider contrary to the law and that will better clarify the interested parties in how this restriction will be implemented.
Article 6 (2)	It is suggested that not only to be provided a ban on the full reproduction of a trademark, name or designation, but also a ban on the registration of a domain name that is similar and, therefore, liable to mislead or cause confusion about its ownership	Changed in .pt Registration Rules [New wording]: The domain name must not correspond to the reproduction of a trademark, name or designation of broad and general knowledge that substantiates an abusive and bad faith appropriation of a right or interest of a legally protected third party Withdrawal of the reference to "full reproduction", however, the concept of "reproduction" is duly marked out in Article 27, as is the concept of bad faith.
Article 7 (1) paragraphs a) and c)	It is suggested that these prohibitions are reconsidered as they are too restrictive and may prevent registration by legitimate holders.	Considering the international panorama regarding the management and registration of domain names with a geographical scope, namely, and as an example, the protection conferred to GeoTLD's, .PT considers it is justified to maintain this registration restriction. However, the registration of domain names under this scope is in no case prohibited to legitimate holders.

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Article 8	Will .PT only assess the compliance of domain names that coincide with geographical names and will it no longer remove domains for misleading or causing confusion about their ownership?	<p>By on its own initiative, .PT will no longer proceed to remove domain names because they mislead or cause confusion about their ownership.</p> <p>However, whenever a domain name is registered, .PT can, within a maximum period of 10 days, remove it if:</p> <ul style="list-style-type: none">■ Corresponds manifestly to words or expressions contrary to the law;■ Corresponds to a protected designation of origin or geographical indication under the applicable law;■ Corresponds to geographical names in accordance with and for the purposes provided for in article 7;■ The data provided of the registrant or managing entity is insufficient, inaccurate or false. <p>A domain name may also be removed, at any time, when any of the circumstances listed in article 22 of the .pt Registration Rules are verified.</p> <p>Note: The assessment of the compliance of a registered domain name with the .pt Registration Rules (article 8) will be carried out by sampling and randomly.</p>
Article 12 (2)	The procedures associated with the "Empresa na Hora" protocol must be suspended and re-analyzed by competent entities, given the fact that there are manifestations that those procedures may constitute an interference of competition conditions in the market. Therefore, references in the .pt Registration Rules to this initiative should be removed.	Considering that the "Empresa Na Hora" protocol remains applicable and it is possible, under this protocol and under the 3em1.pt initiative, to amend the domain names registered, following a case-by-case analysis duly substantiated, it is justified to maintain its reference in the .pt Registration Rules, namely, in article 12 (2).
Article 14	How will online ownership transfers be performed?	The procedure underlying the online transfer of a domain name ownership will be defined in a timely manner and communicated to all interested parties, particularly registrants and administrative contacts. Nevertheless, the legitimacy of the request and compliance with all applicable security requirements will always be guaranteed.
Article 17	The .pt Registration Rules currently in force do not mention the deadlines for registering and renewing domains, however, the .pt domain name registration and management system only allows the choice of 1, 3 or 5 years and should allow any duration between 1 and 10 years.	Although the period of registration and renewal of a .pt domain name has not been changed in the revision of the .pt Registration Rules, this matter, by its very nature, may be subject to frequent changes and, for this same reason, its regulation and publication must be carried out autonomously.

ARTICLE

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Article 17 (2)

The need to sent to the administrative contact a 30-day notification of the domain name's expiration date should be reconsidered, since in the daily management of domain names by the same administrative contact this possibility may be more harmful than beneficial.

Withdrawn from the .pt Registration Rules

Article 17 (4)

As provided for domain names removals and transfers, it is suggested that the non-renewal of a domain name do not produce any effects when the domain is subject to legal proceedings or arbitration pending.

Changed in .pt Registration Rules

[New wording]: The non-renewal of a domain name does not produce any effects while said domain name is subject to legal proceedings or arbitration pending duly notified to .PT

Article 22

Provide for the immediate removal of domain names in cases of proven illegal or malicious activity through (or permitted by) the registered domain. Removal must be at the initiative of .PT or at the request of the Centro Nacional de Cibersegurança. In the case of a request by the Centro Nacional de Cibersegurança, it must be substantiated and include the technical evidence of the illegal or malicious activity.

The provisions of article 22 (1) paragraph a) and article 25 (3) combined provide, in practice, the intended effect, since the .PT will proceed with the immediate removal of a domain name whenever an entity with legal competence for the purpose notifies us in that sense, and this notification may arise from a prior communication from .PT to the said entity regarding a domain name that sets up DNS Abuse. This seems to be the most adjusted and faithful solution to the legal framework in force, as well as to the competences and functions of .PT.

This contribution also intends to associate a consequence to a violation of the registrant's rights and responsibilities, in particular those contained in article 23 (2).

Article 22 (2)

There are old domains that continue to be used even after the organizations that registered them are closed and the domain name remains the basis of their digital identity, so its simple removal will have truly dramatic consequences for those involved and there should be a simple method to regularize the situation.

In accordance with the provisions of article 22 (2) of the .pt Registration Rules, the domain name that is under the circumstances provided for in paragraph b) of the same article, it will not be removed immediately, the registrant and the administrative contact will be notified for the removal of the domain if, within 8 days, the corresponding removal reasons are not remedied, which means, if the domain name does not stay registered in favor of a person or entity with legal existence and legitimacy for that purpose

Articles 23 and 24

There are anonymous services that allow the registration of domain names through registrars whose professional activity is also the registration of domains (e.g. <http://www.anonymousedomains.com>). I believe that there must be a declared position of .PT towards the whole chain of registration.

As the domain name is registered by a person or entity with legal existence and all the provisions of the .pt Registration Rules are complied with, namely regarding the composition, legitimacy and compliance conditions of the domain name, there are no reasonable reasons for not accepting the domain name registration by the entities mentioned.

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Article 24 (4)	The administrative contact is obliged to provide the registrant's contact details to whom and under what conditions?	Changed in .pt Registration Rules [New wording]: The administrative contact undertakes to provide the registrant's direct contact information to .PT.
Article 26 (1)	We believe it is essential to provide for the possibility of any interested party (such as trademarks holders, firms, etc ...) undertake to resort to institutionalised voluntary arbitration and not only the registrants.	Changed in .pt Registration Rules [New wording]: In case of conflict over domain names any interested party may undertake to resort to institutionalised voluntary arbitration under the Voluntary Arbitration Act.
Article 26 (6)	It is suggested that the expression "transferred " is deleted, since we believe the data is only communicated.	Changed in .pt Registration Rules [New wording]: Upon request, the personal data of those responsible for a domain name may be communicated to ARBITRARE - Centro de Arbitragem para a Propriedade Industrial, Nomes de Domínio e Firmas e Denominações, to judicial authorities or to other entities to whom the law assigns powers for that purpose, as provided for in the .PT Privacy Policy, published and available for consultation at www.dns.pt .
Article 27 (2)	It is suggested to maintain the assessment criteria provided for in article 43 (2) of the current Registration Rules, otherwise it will be impossible for an arbitrator to determine the removal or transfer of a domain name that is similar , for example, to a brand.	Voluntary arbitration will be the guaranteed means available to any interested parties for all domain names that fall under the conditions provided for in article 6 of the .pt Registration Rules, however, and in order to facilitate the application of the provisions in Article 6 (2) a clarification has been added to Article 27 on what should be understood as "reproduction".
Article 30 (9)	It is suggested that the legal persons responsible for .pt domain names can continue to activate the confidentiality mechanism of their identification data.	The lack of legal imposition that gives to the identification data of legal persons the same protection afforded to the personal data of natural persons, namely, through the General Data Protection Regulation, as well as the statutory commitment that the .PT assumed to make available, in the Whois service, data related to each registered domain, led to the need to introduce in the new .pt Registration Rules the mandatory disclosure of the <company name>, <address> and <email> of a legal person that is the registrant and/or the administrative contact of a .pt domain name. Nevertheless, the new .pt Registration Rules will be duly and timely communicated to all interested parties and we count on all .pt registrars to help us do so. Note: No changes will be made to the contact details of legal persons that are confidential before the new .pt Registration Rules come into force.

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Article 33	It is suggested that the deadlines run only on working days.	The .pt domain name registration system only considers the continuous counting of deadlines and we believe that, for the sake of consistency, it will be indicated to keep all deadlines running not only on working days, however, .PT already took this circumstance into consideration when defining the deadlines indicated in the .pt Registration Rules.
Without article	It will be possible to continue to transfer and renew domain names registered under the .org.pt and .edu.pt hierarchies?	It will be possible to continue to transfer and renew domain names already registered under the hierarchies .org.pt and .edu.pt, however it will not be possible to make new registrations under these classifiers.
Without article	Why and how will the technical contact be eliminated?	<p>Only the figure of the technical contact will disappear, but not his responsibilities, these will be assumed by the administrative contact, as is the current practice, which, according to the current registration model (article 1 of the .pt Registration Rules), may or may not be a registrar.</p> <p>All changes and updates resulting from the removal of the technical contact will be automatically carried out by .PT and will not represent any interference with domain name transfers or renewals.</p>
Without article	Evaluate the possibility of introducing in the .pt Registration Rules the duty of notification to the Centro Nacional de Cibersegurança, in accordance with article 29 (3) of Law 46/2018, of 13 August, of the activities included in paragraphs h), j) i) of article 3 of the same Law.	Considering the specificity of the matters to which Law 46/2018, of 13 August deals and given that the identified duty of notification already arises from a legal requirement, we believe that its enshrining in the .pt Registration Rules would be out of place.
Without article	All references to ".PT" in the document must be replaced by "DNS Zone .PT" when referring specifically to this ccTLD, and by "Associação DNS.PT" when referring to the entity to which the Portuguese State has delegated the management of its ccTLD.	<p>The suggested distinction is already expressed in the .pt Registration Rules, through the Glossary, specifically, in the definitions of subparagraphs a), e) and f), however, the following clarification has been added:</p> <p>[New wording]: ccTLD .pt - The country code Top Level Domain, corresponding to Portugal's top domain, also simply referred to by .pt, according to ISO 3166-1 code, consisting of two letters of the alphabet and whose technical delegation and administrative action by the competent entity is a condition for the respective operation by the .PT</p>

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Without article	Domain names that cannot be registered, a priori, by private entities should only be the names coincident with geographical origin names and terms commonly considered offensive. All other names, whenever they are registered for the first time, must be provisionally accepted for a period of, for example, 2 months.	The admissibility conditions for the composition of a domain name defined in article 6 of the .pt Registration Rules are justified by the need to introduce greater dynamism and flexibility in the registration without compromising the security, trust and credibility of the national ccTLD. In addition, as provided in article 8, .PT will grant the registrant and the administrative contact a period of 5 days to present proof of compliance with the provisions of the .pt Rules.
Without article	The analysis of the admissibility of a domain name registration must be delegated and coordinated with Instituto dos Registos e Notariado (IRN) and Instituto Nacional da Propriedade Industrial (INPI) and these national bodies should be responsible for removing/rejecting domain names registrations. Such rejection must take place during the period of provisional registration - 2 months. If the registrant is not informed of the registration's inadmissibility within that period of time, the domain name it will be considered accepted.	Given that .PT is the entity responsible for the management, registration and maintenance of domain names directly under the top level domain of Portugal, and that none of the indicated entities are legally committed competencies or responsibilities in this area of action, there are no reasons to justify the possibility of them removing domain names registered under .pt.
Without article	The Associação DNS.PT can only cancel domain registrations by express indication of an entity with legal power for this procedure or as stipulated in our previous answer.	Answered previously, eventhough we would like to add that being the .PT the entity responsible for the management, registration and maintenance of domain names under the national ccTLD, it should also define the terms and conditions under which it should operate.
Without article	Domains that constitute harmful technical management or proven evidence of illegal practices should be technically suspended (no longer accessible via the .PT zone) by indication of an entity with legal power for this procedure.	The combined reading of the provisions of article 22, paragraph 1, al. a) and Article 25, paragraph 3 of the .pt Registration Rules already provide a practical and effective answer to the points outlined.
Without article	It does not seem possible to remove the figure of the technical contact when the domain name registration is made directly with .PT and should only be replaced by a person responsible for the function in the registrar, when the domain name registration is carried out through a registrar.	Only the figure of the technical contact will disappear, but not his responsibilities, these will be assumed by the administrative contact, as is the current practice, which, according to the current registration model (article 1 of the .pt Registration Rules), may or may not be a registrar. All changes and updates resulting from the removal of the technical contact will be automatically carried out by .PT and will not represent any interference with domain name transfers or renewals.

ARTICLE

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Without article

It is not justified that the price charged to registrars is not public and, if so, that it is not the same for all registrars. It is also not justified that the price charged to individuals has not only a small margin of increase on the prices charged to registrars. This margin could be, for example, 10%.

Although the price list applicable to the registration and renewal of domain names has not been subject to changes in the revision of the .pt Registration Rules, this matter, by its very nature, may be subject to frequent changes and, for this same reason, its regulation and publication should be carried out autonomously

Without article

The price and other conditions applied to registrars must be public and well publicized because, as this is a public service, the use of any trade secret policy in references to it is just inadmissible. The price charged to registrars must appear in the same document and places where the price charged to individuals appears.

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