"A Public Consultation Document on the Proposed Enhancements to Domain Names Registration under '.sa' Country Code Top Level Domain (ccTLD) for Saudi Arabia"

Communication and Information Technology Commission

Kingdom of Saudi Arabia

Version 1.4

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1. Introduction

One of the tasks of the Communication and Information Technology Commission (CITC) is the administration of Saudi Arabia's Internet country code Top Level Domain (ccTLD) ".sa", performed by the Saudi Network Information Center (SaudiNIC) department within CITC.

With the strong growth of the Internet in the Kingdom of Saudi Arabia (KSA), SaudiNIC is facing issues and challenges typical of an emerging ccTLD. While the number of domain name registrations is relatively low at the moment, it is set to rise rapidly over the next several years.

CITC therefore believes that opportunities for major changes to the ".sa" domain structure and administration should be taken before explosive growth in registration numbers occurs.

Given this, CITC now wishes to strengthen the policy framework that governs the domain name registration under .sa ccTLD in the Kingdom, and more closely align the DNS administration with global best practices, Saudi policy priorities, and the specific needs of the KSA market.

The overall objectives of the domain name policy framework are to:

- Drive the continued growth of the ".sa" ccTLD space.

- Create a fair, transparent system for domain name registration.

- Enable registration of domain names directly under ".sa".

- Minimize the risk of overwhelming the limited resources of SaudiNIC.

As part of the development of a revised domain name policy framework for the Kingdom of Saudi Arabia, CITC conducted, as part of the Internet Development Project in the kingdom, a comprehensive assessment exercise that examined current domain name policies, regulations and practices, and benchmarked them against global best practices.

The benchmark group was comprised of thirteen (13) countries: Australia, Canada, China, Czech Republic, Denmark, France, Hong Kong, Iran, Japan, Korea, Malaysia, Singapore and United Kingdom.

The assessment exercise resulted in a list of 30 recommended enhancements to the current domain name registration system in KSA. Each enhancement is discussed in the sections that follow in this Public Consultation Document.

Consultation Process

CITC invites all members of the public, whether in Saudi Arabia or abroad, including private individuals, public organizations, and commercial entities to participate in this consultation process.

The objective of this consultation process is to provide interested parties with the opportunity to provide comments to the CITC on the proposed enhancements to the domain name Regulation and general policy framework for domain name registrations. This will assist CITC in its decision regarding the approval of the proposed enhancements discussed in this Document.

Specifically, this Public Consultation will consider the issues presented in this Document in addition to proposed revised versions of: the Domain Name Regulation, Domain Name Objection Rules & Procedures, the Deployment Plan for the opening of ".sa".

This Document presents 30 enhancements that are expected to change the existing Domain Name Regulation in Saudi Arabia in some meaningful way. The current version of the Domain Name Regulation is available for review on the SaudiNIC website at: http://www.saudinic.net.sa. It is strongly suggested that all interested parties review the current Regulation before submitting any comments.

The CITC invites interested parties to provide detailed comments on any or all decisions. The comments should be supported to the extent possible with relevant rationale, justifications, data, benchmarks and analysis.

In providing comments, parties are kindly requested, where appropriate, to indicate the section numbers in the document to which their comments relate. Parties are also kindly requested to specify contact details including the name of the party in addition to a valid address, email and phone number(s).

The consultation document and any responses to it are not binding to the CITC. All responses are the property of the CITC.

Responses to this Public Consultation should be submitted to the CITC (in Microsoft Word format) before 3:00PM (Riyadh time) on Saturday, April 18th 2009 (22/4/1430 H) by one of the following means:
- By Email:
    domain-survey@nic.net.sa
- Or by mail courier to:
    Office of the Governor
    Communication and IT Commission (CITC)
    King Fahad Road
  P.O.Box 75606 – Riyadh 11588

2. Suggested Enhancements to ".sa" Domain Name Framework – Table

The following table describes the list of 30 recommended enhancements to the current ".sa" Domain Name framework. Participants are kindly requested to review the enhancements table below, and send their feedback to CITC by following the process explained in the previous section.

For further information regarding each enhancement, participants can refer to the sections referred to in the last column of the table (Section with Details).

Issue Group	Suggested Enhancement	Section with Details
Open registration under ".sa"	Allowing Registration directly under ".sa"	3.1
".sa" Transition	Transition policy for phased opening of ".sa"	3.2.1
	Duration of each transition (Sunrise) phase	3.2.2
	Eligibility for each sunrise phase	3.2.3
	Allowing individuals to register domain names directly under ".sa"	3.2.4
	Method to contact existing registrants about opening ".sa"	3.2.5
	Resolving conflicts during the Pre-Registration Phase	3.2.6
	General ".sa" registration only begins when sunrise registrations are completed	3.2.7
Domain Names Available for Registration	Reserving ".gov.sa" domain names at the start of the Sunrise Period	3.3.1
	Creation of Reserve List with names not available for registration	3.3.2
	Format of personal names	3.3.3
Policies about Registrants	".sa" registrations limited to entities present in KSA	3.4.1
	Connection between domain name and Registrant	3.4.2
	Domestic presence requirement for Admin Contact	3.4.3

	Number of Domain Names per Registrant	3.4.4
	Eligibility requirements for existing sub-domains	3.4.5
Use of Domain Names	Transfer of Domain Names	3.5.1
	Improper uses of domain names and SaudiNIC's authority to react	3.5.2
	Ability of Registrants to create their own new sub-domains below ".sa" domains	3.5.3
	Mandating "quiet period" with no transfers of newly registered ".sa" domains	3.5.4
Registration Process	Use of Registration Agreement as part of the registration process	3.6.1
	Paperless Registration (without submission of documentation)	3.6.2
	Authorizing SaudiNIC to introduce online registration services	3.6.3
	Renewals of domain name registrations	3.6.4
	Giving SaudiNIC authority to introduce fees	3.6.5
	DNS Hosting Requirement	3.6.6
	Re-release of deleted / reserved domain names	3.6.7
Integrity of ".sa" Management	Dispute Resolution Mechanism for domain name disputes	3.7.1
	Introduction of comprehensive privacy and accepted use policy	3.7.2
	Ability to audit domain name registrations	3.7.3

3. Suggested Enhancements to Domain Name Framework – Details

This Section provides a description of each enhancement recommended for developing the Domain Name framework.

3.1 Opening ".sa" to direct registration

Issue: Allowing for registration of domain names directly under ".sa".

Current practices: SaudiNIC currently allows registration of domain names under 8 subdomains: ".com.sa", ".net.sa", ".org.sa", ".gov.sa", ".sch.sa", ".edu.sa", ".pub.sa" and ".med.sa". This issue is about allowing registrations also directly under ".sa", for example "test.sa" compared to "test.com.sa" as currently allowed.

> **Recommendation:** Open ".sa" for direct registration on the 2nd level.

Please provide your comments.

3.2 ".sa" Transition

In order to open ".sa" for registration of domain names directly at the second level (directly below ".sa"), there are several enhancements that will be needed for an orderly transition.

3.2.1 Transition policy for phased opening of ".sa"

Issue: How to open ".sa" in fair, transparent and orderly manner taking into consideration the available and limited SaudiNIC's resources"?

Current practices: Since the introduction of a new namespace (like opening registration directly under ".sa") creates a rush towards the new names that become available, a phased transition is needed.

> **Recommendation:** Use a four-phased "Sunrise Period" to transition to a fully open ".sa":
>
> (i)   Reservation;
>
> (ii)   Pre-Registration for existing domains;
>
> (iii)   Sunrise Draw (to resolve multiple applications for same name); and
>
> (iv)   Open Landrush.

Phase (i) – Reservation - involves reserving all names directly under ".sa" that have been registered under "gov.sa", and making those names only available to the entities that have registered the original "gov.sa" domain name.

Phase (ii) – Pre-registration - involves giving all holders of existing ".sa" domain names (under the existing sub-domains) the opportunity to register the exact same name directly under ".sa".

Phase (iii) – Sunrise Draw – allows any eligible entity to apply for names directly under ".sa" under normal registration rules, except that in this phase the registration timestamp is disregarded (no first-come-first-served). If multiple applications for one domain name are received, a draw decides about who gets the name.

Phase (iv) – Landrush – allows any eligible entity to apply for names directly under ".sa". The first valid application for a name is assigned the registration (first-come-first-served).

Comments are sought on the number and structure of phases. Note that the actual duration of phases is the subject of the next issue.

Please provide your comments.

3.2.2 Duration of each transition (Sunrise) phase

Issue: What will be the duration of each Sunrise phase?

Current practices: This issue only arises once decision to open ".sa" is made.

Recommendation: Sunrise Period will use long phases (6 weeks) and medium pauses (2 weeks) between Sunrise phases.

Please provide your comments.

Note: The initial "reservation" phase does not have a specific duration, since reservation is instantaneous. Also, the final "Open Landrush" phase does not have an end, because that phase opens ".sa" to normal registry operations.

3.2.3 Eligibility for each sunrise phase

Issue: It will be necessary to define who is eligible to participate in each phase of the Sunrise Period in order to ensure a smooth transition to the final eligibility regime.

Current practices: This issue only arises once decision to open ".sa" is made.

Recommendation: Participation in each Sunrise phase will be as follows:

1- Existing ".gov.sa" domain names will be reserved during the Reservation Phase.

2- Holders of all 3rd-level domains, including ".pub.sa", are eligible to participate in the Pre-Registration Phase.

3- All entities eligible under the new ".sa" policy are allowed to register domain names during the Open Landrush Phase.

Please provide your comments.

3.2.4 Allowing individuals to register domain names directly under ".sa"

Issue: Whether or not individuals should be allowed to register domain names directly under ".sa" just as other types of registrants.

Current practices: The current Regulation only allows individuals to register domain names under the ".pub.sa" sub-domain but according to certain conditions for choosing the name.

Recommendation: Allow individuals to register domain names directly under ".sa" just as companies and other entities can.

Please provide your comments.

3.2.5 Method to contact existing registrants about opening ".sa"

Issue: How will the general public and existing registrants know about the opening of ".sa" and participation in the Sunrise Period?

Current practices: This issue only arises once decision to open ".sa" is made.

Recommendation: Use existing data of registrations to inform registrants by email (optionally fax if no email is available), advertisements and websites to advise people of their options regarding the acquisition of 2nd-level ".sa" domains.

Please provide your comments.

3.2.6 Resolving conflicts during the Pre-Registration Phase

Issue: How should SaudiNIC resolve conflicts among Registrants — most likely over competing applications for the same domain name — during the Sunrise Period?

Current practices: This issue only arises once decision to open ".sa" is made.

Recommendation: When multiple applications are received for the same ".sa" domain name, the domain name shall be registered to the registrant with the earlier date of original registration of the 3LD domain.

Example: If both the holder of "example.com.sa" and "example.net.sa" apply for "example.sa" during the Pre-Registration Phase, and if "example.net.sa" was registered before "example.com.sa", the new domain "example.sa" is assigned to the holder of "example.net.sa".

Please provide your comments.

3.2.7 General ".sa" registration only begins when sunrise registrations are completed

Issue: Theoretically, the landrush phase could start and overlap with the Pre-Registration phase since all the domains eligible for registration during Pre-Registration are already known. However, this approach might be extremely confusing.
Pre-Registration, Open Sunrise and common registration are performed under completely different policies, with completely different rules. Mixing those separate policies of different phases in the same time span would be extremely confusing. Therefore, even though theoretically some phases could overlap, such overlapping phases would make the process much more complicated

Current practices: This issue only arises once decision to open ".sa" is made.

Recommendation: Start the ".sa" Landrush only once other Sunrise phases have been completed.

Please provide your comments.

3.3 Domain Names Available for Registration

3.3.1 Reserving ".gov.sa" domain names at the start of the Sunrise Period

Issue: Should existing ".gov.sa" domain names be automatically reserved as ".sa" domain names indefinitely until an agency registers under ".sa"? Or, should there be a deadline for an agency to register its ".gov.sa" name under ".sa" and after that the domain name is available to the public?

Current practices: This issue only arises once decision to open ".sa" is made.

Recommendation: Automatically reserve ".gov.sa" names until agencies register ".sa" name. No expiration of that reservation.

Please provide your comments.

3.3.2 Creation of Reserve List with names not available for registration

Issue: Should SaudiNIC be empowered to create and manage one unified Reserve List that contains domain names that are not available for registration under ".sa"?

Current practices: SaudiNIC currently maintains an unofficial list of reserved names.

Recommendation: SaudiNIC shall create a formal process for developing a Reserve List.

Please provide your comments.

3.3.3 Format of personal names

Issue: Shall the Domain Name Regulation retain its current policy of allowing the registration of personal names as domain names only if the requested name includes at least 1 numerical digit (*e.g.,* "ali2.pub.sa")?

Current practices: At the moment, SaudiNIC will only register a personal name as a domain name if the name includes at least one numerical digit.

> **Recommendation:** Allow registration of personal names formatted as "firstnamesurname.sa" while also continuing the practice of requiring personal names to have at least 1 numerical digit if only one name is used.

Please provide your comments.

3.4 Policies about Registrants

3.4.1 ".sa" registrations limited to entities present in KSA

Issue: To be eligible to register a ".sa" domain name, should a Registrant be required to have a real local presence in KSA? Or should the current eligibility requirements remain, including the requirement that registrants have a "local representative"?

Current practices: Current eligibility rules require a Registrant to have one of the following: (a) be physically in KSA; (b) have a "local representative"; or (c) own a trademark or trade name registered in KSA.

The "local representative" basis for eligibility allows people to be eligible for a ".sa" domain name who have no connection except having a local lawyer, accountant or other agent in KSA.

> **Recommendation:**   Require a Registrant to be one of the following:
>
> (a) An entity physically in Saudi Arabia;
>
> (b) A person with national ID;
>
> (c) An entity with a registration or license issued by a Saudi agency; or
>
> (d) Owner a trademark or trade name registered in KSA.

Please provide your comments.

3.4.2 Connection between domain name and Registrant

Issue: Should Domain Name Regulation require a direct connection between Registrant and the domain name to be registered? Similarly, should any abbreviations used for a domain name have a reasonable connection to the Registrant?

Current practices: At the moment, there is an informal policy requiring connection between Registrant and the domain name requested, and an informal policy requiring a link between Registrant and any abbreviations used in domain name.

Recommendation: Registrant should have a connection to the domain name registered. Abbreviations must also have a reasonable connection to the Registrant.

SaudiNIC has right to demand proof of that connection.

Please provide your comments.

3.4.3 Domestic presence requirement for Administrative Contact

Issue: Should Registrant's Administrative Contact for a ".sa" domain name registration have some genuine presence in Saudi Arabia AND genuine administrative responsibilities? If yes, what local presence is sufficient?

Current practices: The Domain Name Regulation currently does not include any local presence requirement for the Administrative Contact.

Recommendation: Registrant must identify an Admin Contact who is located in Saudi Arabia and has a real administrative role on behalf of the Registrant.

Please provide your comments.

3.4.4 Number of Domain Names per Registrant

Issue: Registrants can register more than one domain name. The question is how many domain names a single registrant can register? Are there any limits?

Current practices: SaudiNIC currently has no written rules about this, and uses its discretion to review the number of domain names registered per registrant.

Recommendation: No limits to number of domain names that a registrant can register, provided it meets the eligibility requirements and it has a "connection" to each domain name.

Please provide your comments.

3.4.5 Eligibility requirements for existing sub-domains

Issue: If the namespace under ".sa" is opened, what will happen with the existing sub-domains? Will new registrations of new domains under

those sub-domains still be possible? Should the eligibility requirements change for them?

Current practices: This issue only arises once decision to open ".sa" is made.

> **Recommendation:** Preserve the consistency of the existing sub-domains with no change to their eligibility rules, and continue registration under those sub-domains.

Please provide your comments.

3.5 Use of Domain Names

3.5.1 Transfer of Domain Names

Issue: SaudiNIC currently allows transfers only in exceptional cases – for example when companies merge. Should the ban on transfers be lifted to allow registrants to transfer domain name registrations? If yes, what transfers should be allowed?

Current practices: SaudiNIC currently allows transfers only in exceptional cases – for example when companies merge.

> **Recommendation:** Allow transfers of domain name registrations with reasonable limits, without fostering the hoarding of domain names. The new holder of the domain name must fulfil the eligibility rules, and SaudiNIC has the authority to demand proof of that.

Please provide your comments.

3.5.2 Improper uses of domain names and SaudiNIC's authority to react

Issue: What are improper uses of domain names, and what is SaudiNIC's authority to handle such situations?

Current practices: SaudiNIC currently handles improper DNS activities and rejection of domain names on an ad hoc basis. SaudiNIC exercise its discretion in how to handle decisions to delete a domain name registration.

> **Recommendation:**

The revised Domain Name Regulation will prohibit certain harmful activities involving use of domain names (for example, phishing and spamming).

SaudiNIC has authority to define other improper activities, and can reject or suspend domain name registrations that are undesirable or contrary to public interest.

Please provide your comments.

3.5.3 Ability of Registrants to create their own new sub-domains below ".sa" domains

Issue: The issue is whether this ability of Registrants to create their own sub-domains that can operate as registries should be regulated or not?

Current practices: Opening registration on the 2nd level technically allows registrants of such 2nd-level domains to create a registry for 3rd-level domains, thus competing with existing 3rd-level registry services of SaudiNIC.

Recommendation: Include text in the Domain Name Regulation forbidding the use of a 2nd-level domain for registry operations, but allow "reasonable" use of 3rd-level domains.

Please provide your comments.

3.5.4 Mandating a "quiet period" with no transfers of newly registered ".sa" domains

Issue: The issue is whether to prohibit transfers of newly registered ".sa" domain names for a set period of time (a "quiet period") after the Sunrise Period ends.

Current practices: At the moment, transfers of domain name registrations are not generally allowed. This issue only arises once decision to open ".sa" is made.

Recommendation: If transfers are allowed as a new policy, establish a "quiet period" during which no transfer of ".sa" domains is allowed until 180 days after Sunrise ends.

Please provide your comments.

3.6 Registration Process

3.6.1   Use of Registration Agreement as part of registration process

Issue: Introduce a Registration Agreement that all Registrants are required to agree to as part of their domain name application process.

Current practices: Currently, the registration process does not include any registration agreement between SaudiNIC and registrants. Registrants acknowledge that they must comply with the Domain Name Regulation.

Recommendation: Include Registration Agreement as part of registration process that makes the specific obligations and processes clear to all parties involved.

Please provide your comments.

3.6.2   Paperless Registration (without submission of documentation)

Issue: Make domain name registration or other transactions possible without submission of documentation (paperless registration).

Current practices: For any registration, SaudiNIC currently requests documentation. Such documentation is used for (a) authentication of the requesting party and (b) verification of eligibility requirements.

Recommendation: Give SaudiNIC the authority to request registration documentation based on their discretion (when they think it is needed).

Please provide your comments.

3.6.3   Authorizing SaudiNIC to introduce online registration services

Issue: Authorizing SaudiNIC to allow Registrants to modify registration records by themselves online.

Current practices: Currently, a registrant needs to fill out the registration form, and then submit documentation for a request. Registry staff then interacts with the registrant in all cases, until the request is finally granted (domain registered / modified) or the request is denied (domain not registered)

Recommendation: Give SaudiNIC the authority to introduce such online registration services at its discretion.

Please provide your comments.

3.6.4 Renewals of domain name registrations

Issue: At the moment, there is no renewal requirement for domain name registrations. However, most registries require registrants to renew their domain name information. Should SaudiNIC be authorized to introduce renewals at some point in the future?

Current practices: At the moment, there is no requirement that registrants renew domain name registrations.

Recommendation: Give SaudiNIC the authority to introduce a renewal requirement at its discretion.

Please provide your comments.

3.6.5 Giving SaudiNIC authority to introduce fees

Issue: At the moment, there are no fees in order to register domain names. However, most registries require registrants to pay a fee in order to register (and renew) a domain name. Should SaudiNIC be authorized to introduce fees at some point in the future?

Current practices: At the moment, there are no fees associated with the registration of domain names.

Recommendation: Give SaudiNIC the authority to introduce fees at its discretion for registration, renewal and other services.

Please provide your comments.

3.6.6 DNS Hosting Requirement

Issue: Domains need to be hosted on name servers in order for them to be reachable. The issue is whether or not that "DNS hosting" should be checked before registration, and registration only granted if a domain name is properly hosted.

Current practices: SaudiNIC currently requires hosting before a domain name is registered, or before name server changes are applied.

Recommendation: Revise Domain Name Regulation to say that SaudiNIC *may* require hosting at their discretion, and that domains *may* be revoked if hosting is not provided (and registrant does not justify situation within a set number of weeks). Hosting may be checked by SaudiNIC on a case-by-case basis.

Please provide your comments.

3.6.7 Re-release of deleted / reserved domain names

Issue: How should SaudiNIC handle the re-release of domain names that were previously reserved or deleted?

Current practices: The current Domain Name Regulation requires the re-release of domain names within six months of their deletion. Since knowing the exact timestamp of deletion would allow another registrant to "snap" the domain name (and therefore allow for a transaction similar to a transfer) SaudiNIC re-releases domain names on an unspecified date before the six-month period ends.

If domain name transfers are permitted, the rationale for the current practice of quietly re-releasing deleted domain names (to prevent transfers) would disappear - SaudiNIC could release the domain names after a fixed period..

Recommendation: Give SaudiNIC clear authority to establish and modify rules for the re-release of deleted or reserved domain names at their discretion.

Please provide your comments.

3.7 Integrity of ".sa" Management

3.7.1 Dispute Resolution Mechanism for domain name disputes

Issue: Should there be procedures for people to submit objections to the registration or use of domain names?

Current practices: At the moment, there is no formal process for resolving objections about the registration or use of domain names. SaudiNIC currently resolves disputes on an informal, ad hoc basis that on occasions may involve the Legal Department of CITC.

Recommendation: Introduce Domain Name Objection Rules & Procedures under which:

(i)   CITC Legal Department will be the "service provider" for objections;

(ii)   Objections may be about who has the registration for a domain name or about how a domain name is being used;

(iii)   Only two remedies will be available: transfer of a domain name or cancellation of a domain name registration. No damages can be awarded under these Rules. Parties that seek damages must use the courts or other appropriate forums.

Please provide your comments.

3.7.2   Introduction of comprehensive privacy and accepted use policy

Issue: Should the Domain Name Regulation have policies on privacy and acceptable use of registration information?

Current practices: The current Domain Name Regulation does not address privacy or acceptable uses of registration information.

Recommendation: Add a comprehensive privacy and accepted use policy to the Domain Name Regulation.

Please provide your comments.

3.7.3   Ability to audit domain name registrations

Issue: The issue is ensuring that the process of domain name registrations, including the opening of ".sa", can be properly audited and reviewed by CITC management or external auditors (if any are appointed at some point).

Current practices: Ability to audit depends on nature and quality of record-keeping systems and procedures used by SaudiNIC. SaudiNIC does archive certain information and documentation regarding its registration process.

Recommendation: Add provision to the Domain Name Regulation requiring SaudiNIC to maintain records and data sufficient to enable the auditing of the Domain Name registration process.

Please provide your comments.

4. Glossary of terms

DNS	Domain Name System
ccTLD	Country Code Top Level Domain
CITC	Communication and Information Technology Commission
SaudiNIC	Saudi Network Information Center
KSA	Kingdom of Saudi Arabia