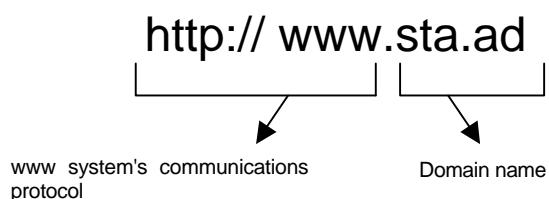


## STATEMENT OF PURPOSE

An Internet electronic address has a logical format known as the "Unified Resource Locator"(URL), which specifies, first, the corresponding protocol- for example, Hypertext Transfer Protocol ("http"), next, the desired electronic application and, lastly, the specific address of the computer to be accessed.

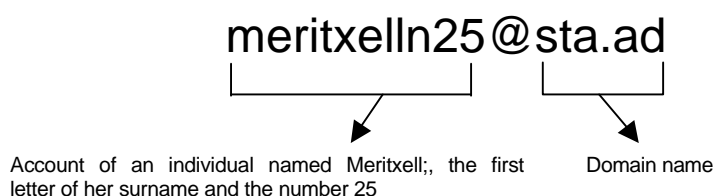
An electronic address (URL) consists of a description of the communications protocol and the name of a domain. For example, in the electronic address of the Andorra Telecommunications Service (STA), <http://www.sta.ad>, "http://"stands for the www system's communications protocol (<http://www.>) and the rest of the address, "sta.ad" is the domain name.

Electronic address (URL):



An electronic mail address consists of an account name, the @ sign and a domain name. For example, if Ms. Meritxell N's e-mail address is [meritxelln25@andorra.ad](mailto:meritxelln25@andorra.ad), "meritxelln25" is the account name and "andorra.ad" is the domain name.

E-mail address:

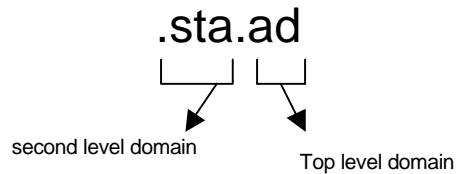


Domain names consist of two or more levels:

- The Top Level Domain name, internationally known by the initials TLD, which in this case is ".ad"

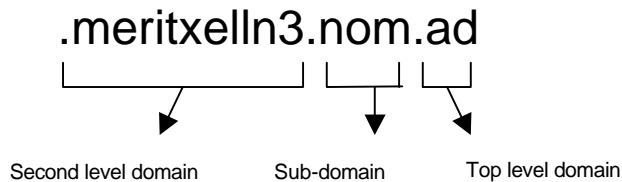
- The Second Level Domain name, internationally known by the initials SLD, which in this case is "sta".

Domain name:



- In some cases, there can be sub-domains between the top and second level domains, or there can be third or other lower level domains. In these Regulations the sub-domain ".nom" is used for domain names for private use by physical and legal persons and by associations.

Domain names consist of two or more levels:



A domain name which is part of an electronic address operates on the basis of a hierarchy of domain levels. The Domain Name System, better known by its initials DNS consists of different levels. The highest level of all are top level names, which can be divided into two categories: generic top level domain names (internationally known by the initials gTLD) and top level domain names which are country codes (internationally known as ccTLD). There are currently 7 gTLD (".com", ".gov", ".edu", ".net", ".mil", ".org" and ".int") and 243 ccTLD, each of which is a two-letter country code derived from Rule 3166 of the International Standardisation Organisation (ISO-3166). The ccTLD ".ad" uses the ISO 3166 standard abbreviated form for the name Principat d'Andorra.

The Andorran Telecommunications Service (STA) is currently the agency responsible for assigning and maintaining second level domain names under the top level domain name ".ad".

ccTLD are intended to be used by physical or legal persons residing or established in a particular territory, who expect to primarily use the Internet to communicate with addresses in that same country, even though the global nature of the Internet means that use is not restricted to a single territory. In contrast, gTLD are intended to be primarily used with no geographic constraints.

The use of a domain name under the country code ".ad" involves using an abbreviated form of the name "Principat d'Andorra", i.e. using a State sign which can imply a use with commercial effects and even a use as part of a trademark. In accordance with the Use of State Signs Act, anyone wishing to be assigned this domain name shall be previously authorised by the Andorran government to use ".ad" as an abbreviated form of the name "Principat d'Andorra".

In order to avoid misuse of, and conflict between, domain names under the top level domain name ".ad" and distinctive signs, applicants must fulfil a series of requirements to ensure their legitimacy and the existence of specific ways to settle such conflicts.

With the aim of permitting the co-existence in the virtual world of distinctive sign coexisting in the real world, such as trademarks for different goods or services or trademarks and trade names, under the top level domain name ".ad", and therefore avoiding conflicts between legitimate users of identical signs, certain requirements have been established for obtaining authorisation to use ".ad" for a domain name that is identical to a domain name for which use has already been authorised. In order to safeguard the rights of companies which deliver services through the Internet which are identified by a name which enables the services of this company to be distinguished from those of any other company, co-existence shall not be authorised when the applicant for the domain name is the first to request it and owns a trademark for Internet services which is identical to the domain name requested.

In order to also avoid abuses, authorisations to use ".ad" shall be limited to a maximum of three domain names per person (this limit may however be exceeded should certain conditions be met). With the same objective, authorisation to use ".ad" as a domain name is non-transferrable, which means that domain names under the top level domain name ".ad" cannot be transferred.

In order to facilitate management of a large number of electronic mail accounts, agencies which control an electronic mail server and assign and maintain such accounts may obtain authorisation to use a domain name under the top level domain name ".ad" as an electronic mail server, which implies the authorisation to assign electronic mail accounts under this domain name providing that certain conditions are met.

Given the particularities involved in the use of ".ad" in domain names, on 6<sup>th</sup> September 2000 the Minister of the Presidency and Economy proposed that the Government approve the following Implementing Regulations Governing Application of the Use of State Signs Law for Use of ".ad" as Part of a Domain Name.

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- Rule 16: *Obligations of the agency responsible for assigning domain names under the top-level domain name ".ad"*

### **Transitional provisions**

### **Final provision**

## **CHAPTER I**

### **GENERAL PROVISIONS**

#### **Rule 1. Definitions**

1. A domain name is in alphanumerical address code resulting from a contract for services entered into by an agency responsible for assigning domain names and an applicant for a domain name, which may be used to access an electronic address and/or an electronic mail server. A domain name consists of a top level domain name, a second level domain name and, when appropriate, sub-domains and/or domain names of lower than second level, separated by a dot.
2. "ad" is the abbreviated form of the name "Principat d'Andorra" as established in Rule 3166 of the International Standardisation Organisation (ISO-3166). The abbreviated form ".ad" is a top level domain name which corresponds to the country code for the Principat d'Andorra.
3. A domain name beneath the top level domain name ".ad" is an alphanumerical address code resulting from a contract for services entered into by an agency responsible for assigning and maintaining domain names under the top level domain name ".ad" and an applicant for a domain name.
4. An electronic mail code is an alphanumerical address code used to of access an electronic mail box. An electronic mail code consists of an account name, the sign @ and a domain name.

#### **Rule 2. Specific uses of ".ad", the subject of these regulations**

1. These Regulations develop the use of State Signs Law for use of the abbreviated form of the name "Principat d'Andorra", ".ad" as the top level domain name in a domain name.

2. Any other use of "ad" as an abbreviated form of the name "Principat d'Andorra" is subject to the Implementing Regulations Governing Application of the Use of State Signs Act.

## **CHAPTER II**

### ***APPLICATION FOR AUTHORISATION TO USE ".AD" IN A DOMAIN NAME***

#### ***Rule 3. Filing an application for authorisation to use ".ad"***

1. Application for authorisation to use ".ad" as the top level domain name in a domain name must be filed with the ministry in charge of authorisations for use of State signs (the appropriate ministry) by the person wishing to be assigned this domain name and using the form specified by the ministry for this purpose.
2. Application for authorisation to use ".ad" as the top level domain name in a domain name is subject to prior payment of the fee set by the Government.

#### ***Rule 4. Content of application for authorisation***

All applications referred to in Rule 3.1. shall contain the following information:

- a) A proposed complete domain name for which authorisation to use ".ad" is being sought. This proposal shall meet the following requirements:
  - i) the second level domain name or, if applicable, any levels lower than the second level, may only be formed by the letters "a", "b", "c", "d", "e", "f", "g", "h", "i", "j", "k", "l", "m", "n", "o", "p", "q", "r", "s", "t", "u", "v", "w", "x", "y" and "z", with no distinction between upper and lower case letters and with no accent signs, and/or

by Arabic numerals. A hyphen ("-") may be used, but it shall not be either the first or last character of a domain name.

*ii)* second-level domain names, or domain names of any level lower than second-level shall consist of a minimum of 3 characters and a maximum of 64.

*iii)* second-level domain names shall not consist exclusively of words inherent to the Internet environment, such as: "internet", "web", "portal", "online", "wap", "clic", "com", "edu", "arpa", "gov", "org", "mil", "int", "net", "telnet", "bbs", "tcp", "dns", "wais", "email", "www", "ftp", "smtp", "http", "mbone", "ietf", "rfc", "info", "nom", "firm", "arts", "store", "shop", "home" or "news."

b) If the applicant is a physical person, his/her name and last name or name(s), and if the applicant is a legal entity, the complete name of the organisation and the name and last name(s) and title of its legal representative.

c) The applicant's home and post addresses and, if applicable", his/her electronic mail address.

d) A statement that the domain name will be used as a domain name in an electronic address and/or as a domain name for an electronic mail server, and that the domain name for which application is being filed shall be used under the top level domain name ".ad", in one of the following forms:

*i)* as a trademark for Internet services, i.e. as a sign to distinguish between the services of one undertaking and those of any other undertaking.

*ii)* in relation to a trademark, i.e. in order to engage in such Internet activities as providing information, advertising, or making transactions related to the goods or services for which the trademark is registered.

*iii)* to identify a commercial activity to be carried out over the Internet

*iv)* for private company or individual use on the Internet.



- v) for private use of nonprofit organisations on Internet.
- e) If the applicant states that use will be in accordance with subparagraph d) *i)* or *ii)* of this rule, the pertinent trademark registration number.
- f) If the applicant states that use will be in accordance with subparagraph d) *iii)*, the registration number of the business name.
- g) The applicant's signature.

**Rule 5. Requirements for applicants**

Applicants for authorisation as described in Rule 3, must meet the following requirements:

- a) If, in accordance with Rule 4.d)*i)*, the applicant states that that domain name will be used as a trademark for Internet services, the applicant must be the owner or exclusive licensee of a trademark registered in Andorra for Internet services, which has been the object of a substantive examination by the Trademark Office of the Principality of Andorra (OMPA) in accordance with the provisions relative to substantive examinations contained in the Implementing Regulations of the Trademark Law and the Trademark Office Fees Law of 10 May 2000, or any other legal or regulatory provision subsequent to this date which further develops this matter. The trademark shall be identical to the second or lower level domain name sought.
- b) If, in accordance with Rule 4.d)*ii)*, the applicant states a use in Internet in relation with a trademark, the applicant shall be the owner or exclusive licensee of a trademark registered in Andorra for the goods or services referred to in his statement and this trademark shall be identical to the second or, if applicable, lower level domain name sought.

- c) If, in accordance with Rule 4.d)iii), the applicant states that the domain name applied for will be used to identify a commercial activity to be carried out over the Internet, the applicant shall be the owner of a business name registered in Andorra, which name shall be identical to the second or, if applicable, lower level domain name sought.
  
- d) If, in accordance with Rule 4.d)iv), the applicant states that the domain name applied for will be used for private purposes on the Internet, the second or, if applicable, lower level domain name sought shall consist of the applicant's first name or initial followed by the surname or else the first name followed by the surname or its initial. Numbers may be added to these names. If the applicant is a legal entity, the domain name shall consist of the name of the entity which is registered in Andorra and may or may not include the abbreviation of the company's legal form. The domain name shall contain the subdomain ".nom" between the second level domain name and the top level domain name ".ad".
  
- e) If, in accordance with Rule 4.d) v), the applicant states that the domain name applied for will be used on the Internet for private purposes by a nonprofit organisation, the second or, if applicable, lower level domain name sought shall consist of the name of the nonprofit organisation. The domain name shall contain the subdomain ".nom" between the second level domain name and the top level domain name ".ad".

**Rule 6. *Requirements for applicants if the domain name is for an electronic mail server***

1. If the domain name for which authorisation to use ".ad" is sought is an electronic mail server, the appropriate ministry shall grant authorisation to use ".ad" on condition that the electronic mail code account names assigned under this domain name fulfil the requirements established in Paragraph 2 of this rule; each such account name shall be different and they shall consist exclusively of one of the following signs:

- a) The first name or initial followed by the surname, or else the name followed by the surname or its initial, of the physical person to whom the account is assigned. Numbers may be added to these names.
  - b) The company name registered in Andorra of the legal entity to which the account is assigned. This name may or may not include the abbreviation indicating the legal form of the company.
  - c) The trade name registered in Andorra, the owner of which shall be the person to whom the account name is assigned.
  - d) The trademark registered in Andorra, the owner or exclusive licensee of which shall be the person to whom the account is assigned. Numbers may be added to this mark.
  - e) A fantasy name as long as it fulfils the requirement not to be identical to a distinctive sign protected in Andorra by an intellectual property or other right and the requirement not to be similar or likely to create a risk of confusion in the minds of the public between this sign and any sign protected in Andorra by an intellectual property or other right.
2. The signs which constitute the electronic mail code account name referred to in Paragraph 1 of this rule must meet the following requirements:
- a) The account name may be formed only by the letters "a", "b", "c", "d", "e", "f", "g", "h", "i", "j", "k", "l", "m", "n", "o", "p", "q", "r", "s", "t", "u", "v", "w", "x", "y" and "z", with no distinction between upper and lower case letters and with no accent signs, and/or by Arabic numerals. A dot (".") and/or a hyphen ("-") and "\_" may be used, but they shall not be either the first or last character of a domain name.
  - b) The account name shall consist of a minimum of 3 characters and a maximum of 64.

3. The agency which controls an electronic mail server and assigns or maintains an account shall under no circumstances be responsible by virtue of assigning or maintaining this account, for any violation of intellectual property or other rights or legitimate interests which may derive from such violation.

### **CHAPTER III**

#### **EXAMINATION OF APPLICATIONS FOR AUTHORISATION TO USE ".AD" IN A DOMAIN NAME**

##### **Rule 7. Examination of application for authorisation**

1. The appropriate ministry shall examine the application for authorisation to use ".ad" as the top level domain name in a domain name in order to determine if the application has been presented in accordance with the conditions established in Rule 3, contains the information stipulated in Rule 4 and if, subject to the criterion established in Paragraph 2 of this rule, the applicant fulfils the requirements established in Rule 5.
2. In order to determine whether the second level domain name applied for is identical to one of the distinctive signs referred to in Rule 5, whether or not the distinctive sign does or does not contain the ending ".ad" shall not be taken into consideration.
3. The appropriate ministry shall refuse, stating the motives for refusal, all applications for authorisation to use ".ad" as a top level domain name in a domain name should one of the following circumstances exist.
  - a) If the application has not been presented in accordance with the conditions established in Rule 3.

- b) If the application does not include some of the information established in Rule 4 or its content does not fulfil the requirements established in that same rule.

**Rule 8. Co-existence of identical domain names**

1. Except in those cases referred to in Paragraph 2 of this rule, the appropriate ministry shall refuse applications for authorization to use ".ad" as the top level domain name if the domain name applied for is identical to a domain name for which authorisation for use has been granted and remains in effect.
2. Notwithstanding the provision of Paragraph 1 of this rule, the appropriate ministry shall not refuse application for authorization to use ".ad" as the top level domain name in a domain name for the uses *according to* Rule 4.d) *i)*, *ii)* or *iii)* on the grounds that it is identical to a domain name already authorised for the uses according to Rule 4.d) *ii)* or *iii)*.

**Rule 9. Limits on the number of authorisations to use domain names granted per person**

1. Except in the case referred to in Paragraph 2 of this rule, the appropriate ministry may grant a maximum of three authorisations per person to use ".ad" as the top level domain in a domain name.
2. The appropriate ministry may exceed the limit per person established in Paragraph 1 of this rule if the second or, if applicable, lower level domain name applied for is identical to a trademark registered in Andorra, and of which the applicant is the owner or exclusive licensee.
3. Authorisation to use ".ad" as the top level domain name in a domain name is non-transferrable.

**Rule 10. *Issue of authorisations***

1. If the application for authorisation to use ".ad" as the top level domain name in a domain name is not refused, the appropriate ministry shall grant the authorisation applied for and shall send it by regular post to the applicant's postal address and, if applicable, by electronic mail to the applicant's electronic mail address.
2. If the authorisation referred to in Paragraph 1 of this rule is issued for the domain name of an electronic mail server, authorisation to use ".ad" as the top level domain in a domain name includes authorisation to allocate account names under this domain name.

**CHAPTER IV**

***UPDATING, EXPIRY, RENEWAL AND REVOCATION  
OF AUTHORISATION TO USE ".AD" IN A DOMAIN NAME***

**Rule 11. *Compulsory notification of changes of name or address***

If the person who has been authorised to use ".ad" as the top level domain name in a domain name changes his/her name, postal or electronic mail addresses, he/she shall notify the appropriate ministry of this change within 15 days from the date of the change, using the form designated by the ministry for this purpose.

**Rule 12. *Requirements to be met during the period authorisation use is in effect***

During the entire period for which authorisation to use ".ad" as the top level domain in a domain name is in effect, the authorised person shall continue to fulfil the requirements

established in Rule 5 and shall not use the authorisation for any purpose other than those stated in accordance with Rule 4.d).

**Rule 13. Expiry of authorisation**

1. Authorisation to use ".ad" as the top level domain name in a domain name shall expire two years from the date on which authorisation was granted.
2. Expiry of an electronic mail code account is set, if applicable, by formal agreement between the agency which controls the electronic mail server and assigns and maintains accounts and the person to whom the account is assigned, and shall not necessarily coincide with the date of expiry of the authorisation to use ".ad" as the top level domain name in the domain name of the electronic mail server on which the account depends. Nevertheless, if the authorisation to use ".ad" as the top level domain name in the domain name of the electronic mail server does expire, the electronic mail accounts ascribed to this domain name shall not be used.

**Rule 14. Renewal of authorisation**

1. Application to renew an authorisation to use ".ad" as the top level domain name in a domain name shall be presented within the three months prior to the authorisation's expiry date and following payment of the renewal fee set by the Government.
2. Application to renew an authorisation to use ".ad" as the top level domain name in a domain name shall contain the following information:
  - a) The number of the authorisation for use and/or the domain name for which renewal of the authorisation to use ".ad" is sought.
  - b) The name and address of the person applying for renewal.
  - c) The signature of the person applying for renewal.

3. Should application to renew an authorisation to use ".ad" as the top level domain name in a domain name fail to meet any of the requirements established in Paragraphs 1 or 2 of this rule or if applicant for renewal is not the person to whom authorisation was originally granted, or if the trademark, the exclusive licence or the trade name on the basis of which the authorisation was granted in accordance with Rule 5 a), b) or c) is no longer in effect and in the name of the applicant for renewal, the appropriate ministry shall refuse to renew the authorisation.
  
4. If, in accordance with Paragraph 3 of this rule, authorisation to use ".ad" as the top level domain name in a domain name cannot be renewed, the competent ministry shall inform the applicant of its intent to not renew authorisation by regular post or electronic mail so that the applicant may make the pertinent allegations or correct any errors within a period of 2 months from the date of being informed that authorisation shall not be renewed. Once the allegations or corrections have been made, the appropriate ministry shall decide whether the authorisation shall be renewed.
  
5. Should application for renewal of authorisation to use ".ad" as the top level domain name in a domain name not be refused, the appropriate ministry shall issue the renewal applied for and send it to the applicant's postal address.

#### **Rule 15. *Revocation of authorisation***

The appropriate ministry shall revoke the authorisation to use ".ad" as the top level domain name in a domain name if at any time it is revealed that any of the information contained in the application, as required by Rule 4 or, if applicable, Rule 14, is false or if it is revealed that the applicant does not fulfil the requirements established in Rule 5, or if the authorised party fails to comply with the obligations stipulated in Rules 6, 11 or 12. Prior to revoking the authorisation, the appropriate ministry shall inform the person authorised to use ".ad" of its intention to revoke the authorisation. Notification shall be sent by regular and/or electronic mail. The authorised party shall then make the pertinent allegations or correct any errors within a period of 2 months from the date of being informed that authorisation is to be revoked. Once the allegations or corrections



have been made, the appropriate ministry shall decide whether the authorisation shall be revoked.

## **CHAPTER V**

### ***OBLIGATIONS OF AGENCIES RESPONSIBLE FOR ASSIGNING DOMAIN NAMES UNDER THE TOP-LEVEL DOMAIN NAME ".AD"***

#### ***Rule 16. Obligations of agencies responsible for assigning domain names under the top-level domain name ".ad"***

In order to be able to use the abbreviated form of the name "Principat d'Andorra", ".ad", to allocate and maintain a domain name under the top level domain ".ad" all agencies authorised to assign domain names under the top level domain name ".ad" shall at all times fulfil the following conditions:

- a) The party who assigns and maintains the domain name shall prove authorisation by the appropriate ministry to use ".ad" as the top level domain name in a domain name at the moment a domain name is assigned and at all times during the period this name is maintained, unless the domain name is assigned to an authority entitled to use the State sign "Principat d'Andorra" or its abbreviated form, ".ad".
- b) This party shall offer its customers a technical solution so that when an Internet user enters a domain name under the top level domain ".ad" which has been assigned to more than one person in accordance with Rule 8.2, there is an access system - such as a gateway containing data or information relative to the people to whom the same domain name has been assigned, i.e. their name, address, business activity, goods or services offered, a graphic mark or other elements - which enables the Internet user to simply and quickly identify and access the final address desired.

- c) If for technical reasons it is not possible to fulfil the obligation referred to in Paragraph b) of this rule by a particular communication protocol or for domain names to be used as domain names for electronic mail, and it happens that two or more domain names must co-exist under the terms of Rule 8.2., these domain names -for the particular protocol or for use as the domain name of an electronic mail account name- shall be able to add a sub-domain between the second level domain and the top level domain ".ad" which sub-domain shall consist of a number ranging from "001" to the number of identical domain names which shall co-exist.

## **TRANSITIONAL PROVISIONS**

### **FIRST**

All parties who have been assigned a domain name under the top level domain ".ad" at the time these Regulations go into effect and do not have the corresponding authorisation required by the Use of State Signs Act, shall have 6 months to obtain authorisation to use ".ad" as the top level domain name for that domain name and provide proof of this authorisation to the agency that maintains the domain name.

### **SECOND**

All parties who have been assigned a domain name for private use at the time these Regulations go into effect shall have a 6-month priority right to obtain authorisation to use ".ad" as the top level domain name for that domain name, adding the sub-domain ".nom", without affecting adherence to the remainder of the provisions contained in these Regulations.

### **THIRD**

All agencies authorised to assign and maintain a domain name under the top level domain name ".ad" shall have six months within which to comply with the obligations established in Rule 16.

### **FOURTH**

Under the terms of Article 3 of the Use of State Signs Act, failure to comply with any of the requirements established in the first or third transitional provisions within six months of these Regulations taking effect shall entitle the Government to start disciplinary proceedings against the applicant for the domain name and/or the agency responsible for assigning and maintaining domain names, levying the fines stipulated in that article, without affecting respect for all legally acquired rights.

### **FINAL PROVISION**

These Regulations shall go into effect fifteen days after publication in the Official State Gazette of the Principality of Andorra.