



KENYA NETWORK INFORMATION CENTRE

**POLICY FOR REGISTRATION OF SECOND LEVEL
DOMAIN NAMES IN THE .KE TLD**

Second-level domain of .KE TLD

PREAMBLE

The .KE Second Level Domain (SLD) General Policy is the overarching policy of the .KE namespace and takes precedence over all existing policies of KENIC and other policies on SLDs.

1. BACKGROUND

1.1 This document set out guidelines on the interpretation of the .KE Second Level Domain (KE SLD) Charters developed by KE Domain Name Authority (KeNIC) for all the SLDs. KeNIC's mandate include Administering and managing the .KE domain name space. This also includes publishing general administration and management of the .KE domain name space Guidelines.

1.2 The SLD Registry Operator may issue interpretive guidelines on its website regarding the terms of this policy.

TERMS AND DEFINITIONS

In this .KE SLD Charter Guidelines, the following words shall have the following meaning:

"Accredited Registrar" means an entity specifically approved by the Registry Operator, who shall act on the Registrant behalf to deal with the SLD Registry Operator.

"ADRP" means KENIC's Alternative Domain Name Dispute Resolution Policy.

"Billing Policy" means a policy enacted by KENIC guiding on the pricing of domains in Kenya. - ??

"ccTLD" means country code domain at the top level of the Internet's domain name system assigned according to the two-letter codes in the International Standard ISO 3166-1 (Codes for Representation of Names of Countries and their Subdivision);

"Charter" as a noun means the 'constitution' of a Second Level Domain, specifying, inter alia, the purpose and nature of the Second Level Domain, the criteria for registration of domain names within the Second Level Domain, and the manner of administration of the Second Level Domain; as a verb means the establishment of a

Charter for a Second Level Domain, which process is completed upon approval of the Charter by KeNIC;

"Domain Name" means a string of character registered as a prefix to the .KE SLD in order for a server to be reachable on the Internet and which can be used for a variety of purposes including but not limited to Web services or E-Mail;

"Domain Name System" or "DNS" means a system to translate Domain Names into Internet protocol (IP) or other information;

"Prohibited Pattern" these includes names, letters, strings and numbers which are not permitted in the .KE registration of a domain name.

Names may be considered offensive on the basis of but not limited to religion, race, color, gender, sex, or any other grounds that are in public interest.

"Registrant or holder" means an individual or legal entity or a general or limited partnership, for which a Domain Name is registered; "Registrar" means an entity that is authorized by KeNIC in terms the Act or that is accredited by a Registry to register Domain Names and update Registry Data on behalf of Registrants in an SLD;

"Registrar Agreement" means an agreement to be concluded between a Registry and a Registrar in respect of a particular SLD;

"Registry" means the administrator of the .KE ccTLD and its associated Second Level Domains;

"Reserved Names" these are names that are not and may not be registered as domain names. This is to preserve or prevent the use of known and widely used names that are of public nature and nobody owns or can lay claim to their intellectual property rights.

"SLD" means a sub-domain immediately following .KE.

"SLD Operator or SLD Administrator" is a person to whom the custodial management and control of an SLD is delegated in terms of KeNIC's SLD Establishment and Dis-establishment Policy;

"Sunrise Period" means the special period during which Trademark and existing domain name holders may pre-register the same name or similar to their trademarks or domain name(s) in order to avoid cybersquatting.

"Land-rush Period" means the time during which domain names are available for registration to a closed group (through a premium price), to entities that do not own trademarks in the name they wish to register.

“cooling off period” means the time immediately after the Sunrise and Landrush Periods when the Registry will assess whether applications meet the eligibility criteria. Applications not fulfilling those and which have not been rejected at an earlier stage will be rejected.

“General Availability” means the phase there SLD is available on “first-come, first-served” basis to the general public.

“Whois” means the protocol used to provide public information service in relation to the Registry Data.

“.KE” means Kenya’s country code Top Level Domain (ccTLD), which is delegated according to the two-letter codes in the international Standard ISO 3166-1, which is an identification label that is assigned for a particular country, and which is capable of defining a realm of administrative authority .

“KeNIC” means the .KE Domain Name Authority and abbreviation for Kenya Network Information Centre.

1. GENERAL RULES OF .KE DOMAIN NAME REGISTRATION.

The following requirements apply to the registration and management of the .KE Domain Names.

- 1.1 All .KE Domain Names MUST have a minimum of One(1) characters.
- 1.2 All .KE Domain Names should not have more than 63 characters.
- 1.3 All .KE Domain Names should have a syntax pattern of [a-z 0-9].
- 1.4 All .KE Domain Names should not include prohibited patterns.
(APPENDIX I)
- 1.5 The Registrant is solely responsible for the selection of the domain name(s) and possible violations of any third parties’ rights in connection with the selection and registration of the domain name, and is liable for the costs of such violations.
- 1.6 Domain Names may be registered /renewed for a minimum period determined by KeNIC Board.
- 1.7 Registrar/Registrant contact information must conform to KeNIC’s WHOIS Policy.
- 1.8 Registrants are allowed to transfer .KE domains to registrar of their choice. Registrants should contact their registrar of choice to learn about transfer procedures.
- 1.9 Registration of Reserved and Restricted .KE domain names will not be allowed.

2 REGISTRATION (PROCESS & REQUIREMENTS)

The registry shall introduce SLD's in the following phases:

- Phase 1: Sunrise period shall be Ninety (90) days from the date of launch;
- Phase 2: Land rush period shall be Thirty (30) days months from the End of the sunrise period above;
- Phase 3: Cooling-Off period shall be Thirty (30) days from the end of the sunrise period above;
- Phase 4: General availability period shall be One Hundred and Fifty (150) days after launch of SLDs

2.1 Sunrise period

The Registry will offer an approximately Ninety(90) days sunrise period for Trademark holders who trademarks have been registered under the Trade Marks ACT (CAP 506) Laws of Kenya to register Domain Names similar to their trademarks.

Applications for Domain Name Registrations received during the Sunrise period will be evaluated during the subsequent Cooling-off period and Domain Names will then be allocated to eligible Applicants based on the criteria contained in this Policy.

The Registry will offer an

2.1.1 Registration of domains will be on an application basis whereby KeNIC will be contacted to approve all registrations during the Sunrise and Land-rush Periods.

2.1.2 Registrants through their registrar will be required to provide the following;

2.1.2.1 Trademark/Patent documentation (sunrise period).

2.1.2.2 Verified Registrant details i.e Name, Email, Telephone number, Postal Address.

2.2 Landrush Period.

The Registry will offer an approximately Thirty (30) days Land Rush period. In the event that multiple applications for an identical Domain Name are received during the Landrush Period, the selection criteria described below applies.

At the end of the Landrush Period, applied-for SLD Names with a single eligible Applicant will be allocated to such Applicant. Domain Names with

more than one eligible Applicant will proceed to an auction conducted by the registry between the competing Applicants and awarded to the highest bidder.

2.3 Cooling-Off period

The Registry will offer an approximately Thirty (30) days the Cooling-off period immediately following the Sunrise and Landrush Periods.

The Registry will assess whether the applications meet the eligibility criteria for the respective phases. Applications not fulfilling those and which have not been rejected at an earlier stage will be rejected.

Eligible applications will be evaluated and prioritized according to the following criteria before Domain Names are allocated based on the following principles:

- Sunrise applications prevail over Landrush applications.
- Landrush applications with multiple eligible applications are resolved by means of an auction. There is no obligation to participate in an auction. The Domain Name will be allocated to the remaining or prevailing Applicant.

Where no eligible applications for a Domain Name have been received during the Sunrise Period and multiple eligible applications were received during the Landrush Period, the Applicant or Applicants with a trade mark registered under Trade Marks ACT (CAP 506) Laws of Kenya shall prevail.

2.4 General availability period

Approximately One Hundred and Fifty (150) days after the launch of SLDs, Domains shall be available on a first come first served basis.

Any dispute with regard to a domain name shall be referred to mediation under the ADRP.

3 DOMAIN PRICING

3.1 .KE Domain registration/renewal /Transfer pricing to be determined by KeNIC Board and revised at the frequency agreed by the Board.

3.2 All domain names must be purchased and managed using a Registrar. All registrars must adhere to the Recommended Retail Price (RRP) set by the Board as per clause 3.1 above.

3.3 .KE Domain pricing details will be documented on KeNIC's Website.

4 WHOIS INFORMATION

- 4.1 It outlines the purpose of functionality of whois, shall apply to the SLD's and registry must comply to the RFC in providing whois service.
- 4.2 The whois service is intended among other things to allow people to ascertain identity of parties involved, contact information thereof and technical details in respect to individual domain names, including important dates. The purpose should amongst other things be the following:
 - 4.2.1 To assist with troubleshooting, development of the internet and operational stability.
 - 4.2.2 To determine the availability of the domain names, combat fraud, identify trademark infringements and enhance accountability of domain name registrants.
- 4.3 Each registrar must ensure that throughout registration, domain name information is kept accurate and up-to-date in the whois service and that it complies with KeNIC's whois policy.

5 SUSPENSIONS, RESTORATION & DELETION OF .KE DOMAINS.

- 5.1 Existing .KE Domains will receive a Renewal fee Invoice three months to the Expiry Date. Email Reminders will be sent to Billing and Administrative Contact before and on the Due Date. If payment is not received within 14 days after expiry, the domain will be suspended.
- 5.2 .KE Domain names that have not been paid for within the set Billing Cycle will be Suspended but maintained in the database for an additional 180 days. If a domain is not reclaimed within this period, the domain is released back into the pool for re-registration.
- 5.3 Upon request, deleted domains may be restored by KeNIC provided they have not been re-registered.
- 5.4 A Registry may cancel or delete a registration:
 - 5.4.1 If the Registrant does not comply with an SLD Charter;
 - 5.4.2 Upon request by a Registrant;
 - 5.4.3 As a result of applicable breach of contract, ADR decision or order of court; or

5.4.4 On any other ground which is consistent with the applicable .KE regulations, policies and procedures.

5.5 KENIC must give a Registrant a prior notice of not less than 5 working days about the pending cancellation or deletion, where the cancellation or deletion is not a result of a dispute resolution process or is not initiated by the Registrant, provided that the Registry may give a shorter notice if this is in the interests of stability and security of .KE or the Domain Name System.

5.6 Where a Registrant makes a cancellation or deletion request, a Registry may voluntarily suspend a registration for a period of up to thirty (30) days following the expiry of the pending deletion phase, and notify the Registrant of the suspension. The party requesting a cancellation or deletion may withdraw the cancellation or deletion request at any time during the grace period.

6 DOMAIN DISPUTE RESOLUTION

6.1 KeNIC has an Alternate Domain Dispute Resolution Policy that is designed to help registrars and registrants settle disputes regarding any .KE Domains.

6.2 Information or details on the process of dispute resolution can be found in the ADRP.

7 Intellectual Property Rights

7.1 Domain Name registration is intended to protect intellectual property and other rights of registrants. Any dispute over a registered SLD intellectual property rights or other grounds covered in the .ke ADRP must be resolved through the .KE ADR process, and is subject to the application of Kenyan law.

7.2 A Registrant may not register a Domain Name where through such registration; the Registrant would knowingly violate the intellectual property rights or other rights of other parties in terms of applicable law, and indemnifies KeNIC from any claims relating to any rights violation brought against the Registrant.

7.3 By applying for and registering a .KE Domain Name a Registrant is deemed to be warranting that the Registrant is entitled to apply for, register and use the Domain Name and that such registration or use does not knowingly violate the intellectual property rights of any other party.

8 Reserved and Blocked Names

A reserved name is a name that is not, and may not be, registered a SLD. Names may be reserved to enhance the stability and security of the DNS, and to preserve the public nature of well-known or widely-used names over which no-one holds and no-one should hold intellectual property rights.

For any SLD, a blocked name is a name that is considered to be offensive on the basis of race, colour, religion, sex, gender or any other grounds that are in the public interest.

A name identified as offensive, but that is already registered as a Domain Name, may be deleted in accordance with Clause 5 herein.

9 AMENDMENTS

In view of emerging international best practices in the registration, management and regulation of Domain Names and activities related to Domain Names, KeNIC may amend this Policy or sections thereof from time to time, and may develop additional policies covering specific issues.

Amendments to this policy shall be proposed to the Governance Committee through the Committee's Chair.

The Governance committee shall present the a board paper on the proposed amendments to the Board which has the powers to approve or reject the amendments.

The Governance Committee shall periodically review and re-assess the adequacy of this policy and propose changes on the policy to the Board. Any amendment to this Policy must be by way of KENIC board resolution.

10 Applicable Law

Registration and continued use of .KE Domain Names is subject to Kenyan law.

11 Compliance with Charters, Policies, Standards and Regulations

KeNIC is responsible for determining overall, general policy and strategic direction of .ke including basic technical and operational standards. KeNIC must ensure, in accrediting or appointing Registrars for an SLD, that the Registrars undertake to comply with the SLD policy and with any applicable KeNIC policies, standards and regulations, and any amendments thereto that KeNIC may introduce from time to time..