

## GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

## NON-GOVERNMENTAL ORGANIZATION

NO. R. 2039

21 April 2022

**ELECTRONIC COMMUNICATIONS AND TRANSACTION ACT, 2002 (ACT NO. 25 OF 2002)****DRAFT .ZA REGISTRY AND REGISTRAR LICENSING REGULATIONS AND PROCEDURES**

1. I, Ms Khumbudzo Ntshavheni, the Minister of Communications and Digital Technologies, in terms of section 94 of the Electronic Communications and Transaction Act, (Act No. 25 of 2002), hereby publish the Draft .ZA Registry and Registrar Licensing Regulations and Procedures for public comments.
2. Interested persons who wish to comment on the Draft .ZA Registry and Registrar Licensing Regulations and Procedures must submit their written representations, within 30 days of the date of publication.
3. All the comments should be marked for the attention of Advocate Lerato Seema, at the following contact details:

By hand: **1<sup>st</sup> Floor, Sanofi House, 44 Grand Central Blvd, Halfway House, Midrand, 1685.**

By mail: **P O Box 549, Halfway House, 1685, South Africa**

By e-mail: [rrlrsubmissions@zadna.org.za](mailto:rrlrsubmissions@zadna.org.za)

Enquiries: Tel: +27 (0) 10 020 3910

Kindly write Draft .ZA Registry and Registrar Licensing Regulations and Procedures in the subject field of your email.

4. A copy of the Draft .ZA Registry and Registrar Licensing Regulations and Procedures is available at [www.zadna.org.za](http://www.zadna.org.za)

  
**Hon KHUMBUDZO NTSHAVHENI, MP**  
**MINISTER OF COMMUNICATIONS AND DIGITAL TECHNOLOGIES**  
DATE: 28/03/2022

**GOVERNMENT NOTICE****DEPARTMENT OF COMMUNICATIONS AND DIGITAL TECHNOLOGIES****NO.****2022****ELECTRONIC COMMUNICATIONS AND TRANSACTIONS ACT, 2002 (ACT NO. 25 OF  
2002)**

The .za Domain Name Authority and the Minister of Communications and Digital Technologies have under section 68 and 94 of the Electronic Communications and Transactions Act, 2002 (Act No.25 of 2002), made the regulations in the Schedule.

**MINISTER OF COMMUNICATIONS AND DIGITAL COMMUNICATIONS****DATE:**

## SCHEDULE

### Definitions

1. In these Regulations, any word or expression to which a meaning has been assigned in the Act, shall have the meaning so assigned, and unless the context indicates otherwise–

**"business day"** means any day other than a Saturday, Sunday or gazetted national public holiday in the Republic of South Africa;

**"Charter"** means a policy or procedural document which is applicable to a specific SLD, including a Sub-Domain, specifying, *inter alia*, the purpose and nature of the SLD, the criteria for registration of Domain Names within the SLD, and the manner in which the SLD will be administered;

**"licence"** means a licence granted by the Authority to a Registry or Registrar in accordance with section 65(1)(c) and (d) of the Act;

**"policy"** means any of the policies, Charters and related procedures or framework which are created, implemented and maintained by the Authority for application and guidance across different SLDs;

**"registrant agreement"** means the agreement Registrars are obliged to conclude with their Registrants to ensure Registrant compliance with these Regulations, policies and Charters;

**"registrar fees"** means the per-domain-name fees collected by Registrars from Registrants, and payable to Registries in accordance with Domain Name price determinations of the Authority;

**"registrar services"** means the services to be performed by the Registrar in terms of these Regulations which services allow the registration and management of Domain Names in SLDs;

**"registration"** means the process to acquire the domain name as contemplated in section 65(1)(e)(ii) of the Act;

**"registry data"** means all data maintained in the Registry Database by a Registry, including without limitation –

(a) Domain Names;

- (b) Registrant name and contact information;
- (c) Registrar name and contact information;
- (d) zone records;
- (e) registration and renewal dates; and
- (f) all other data submitted by the Registrars concerning particular Domain Names, as may be prescribed in the Registrar Agreement;

**"Registry Database"** means a database comprising registry data in relation to a SLD;

**"registry services"** means the services to be performed by the Registry in terms of these Regulations, which services allow the generation of either DNS resource records that are published authoritatively, or responses to Domain Name availability lookup, or Whois requests for some or all of the Domain Names;

**"Regulations"** means these regulations;

**"SLD"** means second level domain as defined in the Act;

**"the Act"** means the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002);

### **Purpose of Regulations**

2. The purpose of these Regulations is to prescribe the—

- (a) requirements which Registries and Registrars must meet to be licenced;
- (b) terms and conditions applicable to all Registries and Registrars.

### **Application of Regulations**

3.(1) These Regulations shall apply to all Registries and Registrars that are licenced by the Authority in terms of these Regulations.

(2) In the case of conflict between the provisions of these Regulations and the Act, the Act shall prevail.

### **Functions and responsibilities of Registries**

4.(1) A licenced Registry must provide the following registry services:

- (a) Receiving, processing and registering Domain Name applications;
  - (b) providing suitable Domain Name system infrastructure;
  - (c) maintaining technical and operational records;
  - (d) renewing Domain Name registrations; and
  - (e) collecting renewal payments.
- (2) A licenced Registry must—
- (a) implement decisions relating to Domain Names, registered in a SLD which it is licenced to operate, that arise out of the .ZA Domain Name dispute resolution process;
  - (b) accept, process, store and disseminate registry data in accordance with the Regulations and the relevant Charter;
  - (c) implement, maintain and enhance technical and administrative infrastructure to ensure that suitable service levels are met, including the maintenance of a system that is resilient, robust and available;
  - (d) provide Registrar support services in relation to the relevant SLD; and
  - (e) report to the Authority, and advise the Authority on policy, operational requirements and other considerations relating to the Registry's SLD.

#### **Functions and responsibilities of Registrars**

5.(1) The Registrar must, on behalf of its Registrants, register Domain Names for all SLDs if the Registrant has complied with the requirements in these Regulations and any relevant SLD Charter and Registrar Agreement.

(2) The Registrar shall ensure that the Registrants, submit the following information in relation to each Domain Name:

- (a) Identification Document details;
- (b) physical address;
- (c) email address;