

Second-level domain name registrations directly under '.nz' now allowed New Zealand - Hogan Lovells LLP

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Last year the entities responsible for operating the New Zealand domain name space were considering whether to introduce domain name registrations directly under the top-level domain '.nz'.

At that time, domain name registrations were possible only at the second level, under extensions such as '.co.nz', '.net.nz' and '.org.nz'. A year later, the registry finally announced in a [press release](#) that second-level domain name registrations directly under '.nz' would now be allowed.

The launch of second-level domain name registrations under '.nz' started on September 30 2014. There are no registration requirements, as a result of which anyone can register any '.nz' domain name on a first-come, first-served basis, provided there is no equivalent domain name already registered at the third level in the '.nz' domain name space.

By way of example, someone seeking to register 'domain.nz' will not be able to do so if somebody else has already registered 'domain.co.nz' or 'domain.org.nz', for example. In this case, a specific procedure has been put in place in order to determine who will have a priority claim to the second-level domain name registration directly under '.nz'.

The '.nz' registry, for the sake of fairness, does not wish to give priority to one second-level extension over another (eg, the '.co.nz' extension, although more popular, does not prevail over the '.geek.nz' extension), or give priority to the second-level domain name that has the earlier registration date. This has resulted in a somewhat convoluted procedure to determine the allocation of second-level domain name registrations under '.nz'.

The registry has put in place a six-month Preferential Registration Eligibility (PRE) period which runs from September 30 2014 to March 30 2015. This period allows eligible registrants to register the second-level '.nz' version of their existing domain name before the general public, or to reserve it for two years. If the registrant of an existing third-level '.nz' domain name fails to take action by the end of the PRE period, then the domain name will become available for registration by the general public. Should a registrant elect to reserve the equivalent second-level domain name under '.nz', they would have until the end of the reservation period on September 30 2016 to decide if they wish to submit an application for that domain name.

However, not all registrants of a third-level domain name registration in the '.nz' name space are eligible for PRE. Only the following can participate in PRE:

1. Registrants of a third-level domain name registered before 9am on May 30 2012 - if there is only one instance of an equivalent third-level domain name in the '.nz' domain name space that was registered before May 30 2012, then its registrant can directly register the '.nz' version and has until March 30 2015 to do so as per the above mentioned PRE rules. If there are two or more equivalent third-level domain name registrations in the '.nz' domain name space that were registered before May 30 2012, then the corresponding '.nz' domain name is put on a status of 'conflict' and will have to undergo the conflicted name process, as detailed below.
2. Registrants of a third-level domain name which was registered between 9am on May 30 2012 and 3pm on February 11 2014 and which is the only equivalent domain name in the '.nz' domain name space - those registrants can directly register the '.nz' version of their domain name and have until March 30 2015 to do so as per the above mentioned PRE rules. If there are two or more equivalent third-level domain name registrations in the '.nz' domain name space that were registered in this timeframe, then no registrant will be assigned priority for the second level '.nz' domain name. Instead, it will be made available for registration to the general public on a first-come, first-served basis from September 30 2014.

Registrants of existing domain names registered after 3pm on February 11 2014 are not eligible to participate in PRE and thus the second-level domain name registration under '.nz' will be made available for registration by the general public on a first-come, first-served basis from September 30 2014.

The conflicted name process which has been set up to resolve a conflict on a particular '.nz' domain name is rather unusual in that the registrants of the various third-level domain name registrations are expected to resolve the conflict amongst themselves and agree on who will get the second-level domain name registration under '.nz'. The first step in resolving this conflict is for eligible registrants to indicate to the

registry what they believe should happen to the second-level domain name registration under '.nz'. They have the choice between the following options:

1. They want to try and get the '.nz' version of their domain name;
2. They do not think anyone should get it;
3. They do not want the '.nz' version and do not care who gets it;
4. They do not think anyone should get it and think that the domain name at stake should become a second-level extension (therefore, eg, '.domain.nz' should become a second-level extension just like '.co.nz' and '.net.nz' are).

Following this step, registrants are also encouraged to contact each other in order to discuss directly who should get the domain name and to find a solution to the conflict. If there is no clear outcome either from the online system or through private discussions, then the registry may offer a mediation service via one of its partners, the ['.nz' Domain Name Commission](#). In the event that the conflict cannot be resolved, then the second level '.nz' domain name will be blocked from registration and will thus be unavailable.

As the above rules are somewhat complex, the registry has set up a specific website at ['anyname.nz'](#) with an online tool designed to help registrants determine their eligibility and explain the steps and procedures to follow in each case.

It is important to note that the '.nz' registry will not be operating any kind of sunrise period which would allow rights holders to secure their trademarks or company names as second-level domain name registrations under '.nz'. Thus, rights holders will have to follow the same application procedures as other applicants if they are seeking to secure second-level domain name registrations under '.nz'. The '.nz' registry has suggested that, if a rights holder believes that a domain name registration is problematic, it may avail itself of the '.nz' Dispute Resolution Service.

The opening up of new domain name extensions under an established ccTLD has always posed problems in terms of allocation of domain names to existing domain name registrants. It is interesting to see how different ccTLD registry operators have tackled this. For example, [Nominet](#), the '.uk' registry, which [introduced registrations directly under '.uk' earlier this year](#), elected to allocate second-level domain name registrations on a priority basis to existing '.co.uk' domain name registrations, followed by '.org.uk' domain name registrations.

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