

# World Trademark Review Daily

Registry considering whether to introduce domain names directly under '.nz'  
New Zealand - Hogan Lovells LLP

Domain names

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The body responsible for running the '.nz' namespace in New Zealand, the [Domain Name Commission Limited](#) (DNCL), is considering whether to introduce second-level registrations directly under '.nz'.

There have been two consultation periods so far, with the second ending on July 31 2013. Currently, domain name registrations under the '.nz' country-code top-level domain (ccTLD) are available only at the third level under extensions such as '.co.nz', '.net.nz' and '.org.nz'. However, in May 2012 the DNCL published a consultation paper concerning the possibility of registration directly at the second level under '.nz'. In this regard, the DNCL has stated that it is "not convinced that continuing to deny registrants the ability to register a domain name directly under '.nz' is in the best interests of the local internet community and '.nz' registrants".

In support of its proposition, the DNCL has argued that registrations directly under '.nz' will result in shorter domain names that are more suitable for mobile devices. It will also mean that registrants will not have to pick a second-level extension that may not be a good fit for them - at the moment, registrations are offered only at the third level under a confusing number of existing second levels, not only the obvious ones such as '.co.nz', but also 'geek.nz', 'kiwi.nz', 'iwi.nz' and 'cri.nz', for example. The DNCL has therefore expressed concern that registrants are being forced to choose a second-level domain when there is no technical reason to force them to do so.

Following the first round of consultation, the DNCL concluded that there was no clear consensus concerning the proposals and so it launched a further consultation with revised documentation attempting to take contributors' concerns into account. Of the 115 submissions received in the first round, 37 submissions were in favour of the initial proposal, 72 submissions were against, and six submissions only commented on several aspects of the proposal and did not express an explicit view, either in favour of or against the proposal.

According to the DNCL, one major concern expressed by some of the 115 contributors was that existing registrants could feel compelled to register their existing third-level domain (registered under '.co.nz' for example) under the new '.nz' extension and in turn incur extra costs. As a consequence, the DNCL has proposed allowing existing third-level registrants who do not wish to immediately register their equivalent '.nz' domain name to reserve it for at least two years at no extra cost. The DNCL believes that this would allow existing registrants time to decide whether registration directly at the second level would actually be useful for them. In addition, registrants who do not wish to use their '.nz' domain name would still be able to prevent anyone else from registering it during this two-year reservation period.

Following the initial consultation, the DNCL has proposed, amongst other things, an initial sunrise period for holders of existing third-level domain names (eg, those under '.co.nz') registered before May 30 2012 (the date the proposed policy change and consultation period was announced) to register or reserve their equivalent '.nz' domain names in priority. The cut-off date presumably seeks to prevent registrants from attempting to game the system by registering a third-level domain after the date the consultation was announced purely in order to obtain the corresponding '.nz' domain name during the sunrise period. In the event of conflict, because two or more registrants hold the same domain name under different second levels and both were registered before the date of the consultation, this would be resolved by mediation between the parties. However, the DNCL asserts that over 90% of existing registrants would be able to register or reserve their corresponding domain name directly under '.nz'. Once the sunrise period has ended, registrations under '.nz' would then be made available on a 'first come, first served' basis.

The second consultation period ended on July 31 2013 and so it seems that the DNCL is now in the process of considering all the submissions received before making any decision about whether to introduce domain names directly under '.nz'. Should registrations under '.nz' become possible, New Zealand will join a number of countries allowing registrations directly at the second level. Interestingly, [Nominet](#), the registry responsible for running the '.uk' namespace, is currently also in the [process of consulting on the very same issue](#), as domain names are currently not available directly under '.uk', only under third-level extensions such as '.org.uk' and '.me.uk'. It does seem that the DNCL is aiming to broaden the appeal of '.nz' and make it more relevant on a domestic and international level, which is all the more pertinent in view of the upcoming launch of new gTLDs.

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