



# NIC Chile: Registry of Names of Dominion CL

## Regulation for the operation of Registry of Names of Dominion CL

1. The Registry of Names of Dominion CL, denominated **NIC Chile** (Chile Network Information Center), is administered by the Department of Sciences of the Computation of the University of Chile by [delegation of the IANA \(Internet Assigned Numbers Authority\)](#), according to the principles contained in [RFC 1591: Structure Domain Name System and Delegation](#).
2. It is left it express certainty of which NIC Chile acts solely as coordinating being delegated of IANA in order to take the registry of dominion names. It has neither will have jurisdictional faculties nor other prerogatives nor obligations that those that in this Regulation is expressed.
3. NIC Chile will maintain an information service Web in

<http://www.nic.cl>

The information published in that place will be understood well-known by all the users of the Registry of Names of Dominion CL, and NIC Chile will not be forced to realise no other type of publication.

4. NIC Chile will be able to realise the described functions in the present or by third parties by itself authorized Regulation or by him.
5. NIC Chile will be authorized to acquire tariffs by the inscription, renewal, [renovation](#), modification, elimination or mantención of a dominion name. The table of [effective tariffs](#) will publish in the Web server of Dominion CL.

He will be requisite essential to maintain the use of an inscription of dominion name paying opportunely all the tariffs that are applicable.

### Of the inscriptions

6. Due to asking for the inscription, transference, revocation or on the occasion of the renovation of a name of dominion under Dominion CL, it is understood that the applicant or new holder, according to corresponds:
  - o it knows the operation technical the Internet, knows to the meaning of the terms and words that are used in their management and knows the allowed characters in a name dominion. The rules of syntax for a name of dominion in .cl are published in <http://www.nic.cl/CL-sintaxis-IDN.html>.
  - o For all the effects related to the resolution of conflicts, it will be considered that a name of dominion IDN (*Internationalized Domain Name*) is equivalent with its respective codification ACE (*ASCII-Compatible Encoding*).
  - o it accepts specifically, it subscribes and it is committed to accept and to be in force by all the norms contained in the present document, without reserves of no species.
  - o it accepts that the personal data that give for the registry effects are informed to formal requirement of any administrative or judicial authority, including the arbitration by the allocation or revocation of a dominion name, still after the request or respective registry had been eliminated.
  - o it releases from any responsibility to the University of Chile, to the Department of

Sciences of the Computation, to NIC Chile and to their civil servants and advisers, by the obligations, responsibilities and other acts or cause that generate obligations to him to the applicant, resigning express early and to the legal actions.

The Regulation of NIC Chile and its Annexes constitutes the general conditions of hiring of a name of dominion in .cl.

7. The following people will be able to ask for inscription of names of dominions under Dominion CL:
  - a. Legally domiciled natural people at the moment domiciled or in the Republic of Chile.
  - b. Public or Deprived Legal people, Corporations and organizations of Public or Deprived Right constituted in Chile or properly authorized to operate in Chile.

The natural or legal people who do not reside in Chile will be able to ask for inscriptions of dominions being become to represent by some person residing in the country. This representative will act like Administrative Contact, and he will consider himself him like the Applicant for all the aims of this Regulation, unless the dominion is registered to name del that has entrusted him this representation. Of this situation express certainty in the request of inscription of the dominion name will be due to leave.

8. The inscription requests will be received exclusively by via electronics, or through electronic mail or the WWW. In case a third party serves like intermediary for the preparation or the shipment as the request, this will not confer any right to him to that third party on the dominion name.

Since the systems of transmission of messages in Internet are subject to fortuitous and unpredictable delays, determining will correspond exclusively to NIC Chile the day and the reception time of each request.

9. Requests of inscription for names of dominions will not be admitted to procedure that already are **enrolled** in the Registry of Names of Dominion CL.

### **Of the publicity and payment of the requests**

10. Once the request has been received by NIC Chile will publish this one it within the term brief than he is technically feasible, and in any case within the following three working days, in a list of requests **in proceeding**. This request will stay in this list by a **term of publicity**, the one that will be of **30 (thirty)** days run to count of the publication, to object from which possible interested they take knowledge and, if they are considered affected, can present/display its own requests for that name of dominion.

Despite the previous thing, during this period NIC Chile the right is reserved to temporarily qualify the technical operation of the name of asked for dominion, in order that the Applicant can realise technical trialses of operation, without it constitutes commitment to accept the presented/displayed request. In case there is more than a request of inscription in proceeding for that name of dominion, this qualification will only be able to be authorized with respect to that one request that has been received in the first place.

Each applicant will have a **term of payment of 20 (twenty)** days in excess counted from the reception of the request to fulfill the obligation to pay the respective tariff.

Once received the payment and passed the term of publicity, NIC Chile will come to assign the name dominion, unless two or more requests in proceeding for that name exist then.

11. For each request of received inscription, NIC Chile will send of return by electronic mail a proof of reception of this one. Valid address for all the communications will be understood

from NIC Chile to the applicant, the direction of electronic mail that this one has indicated in its request of inscription, being of its exclusive responsibility that it operates correctly, as well as to notify any change in this direction.

NIC Chile will provide mechanisms so that the applicant makes the payment of the tariff, between which will include a warning of collection that the applicant will be able to print. The impossibility to print this warning of collection does not exempt the applicant to fulfill this obligation opportunely. In his defect, it will be able to concur to the offices of NIC Chile and to obtain a duplicate.

NIC authorized Chile will be considered that an applicant has stopped of his final request S.A. of the respective term of payment still would be unpaid the tariff, being to eliminate it of proceeding.

In case the eliminated request is that one that appears in the first place and still exist one or more requests in proceeding for the same dominion, it will be considered like first for all the prescribed effects to which it has entered to proceeding in the first place.

12. Once the term of publicity of the request has expired that is in the first place and that they have received the payments or they have expired the terms of payment of each and every one of the applicants, if proceeding two or more requests of inscription for that same name of dominion were in, will begin the procedure established in Annex I on MEDIATION PROCEDURE AND ARBITRATION.

By only made present/display their request, all the applicants commit themselves to accept the mechanism of mediation and arbitration for conflict resolution that is provoked in the inscription of dominion names, to accept their result, and to pay to the expenses and the coasts according to she determines the referee to it.

NIC Chile will not have any participation in the arbitration stage, except designating to the referee according to the procedure and accepting its resolution.

13. NIC Chile will not bear responsibility of any class if, because of the by arbitration opinion, or of another emanated order of competent authority, it would have to suspend the inscription of a dominion name or would have to revoke it or, generally, to give course to any pertinent instruction, having the interested one to make merit his rights before the authority that corresponds. The University of Chile, the Department of Sciences of the Computation, NIC Chile, and their civil servants and advisers are released early of any responsibility and the Applicant resigns specifically to the legal actions.
14. He will be of exclusive responsibility of the applicant who its inscription does not oppose the effective norms on publicity abuses, the principles of the loyal competition and the mercantile ethics, like also, rights validly acquired by third parties.

NIC Chile, without being forced it, will be able to ask for the uprising of a referee, at the cost of the applicant, according to the norms of the Procedure of Mediation and Arbitration of Annex 1 of this regulation, in those cases that the asked for dominion obviously harms and opposes the norms and principles described in the preceding interjection. In this case, the procedure of the asked for dominion will be supenderá until the corresponding sentence is dictated.

NIC Chile will not be responsible to verify the authenticity of the antecedents presented/displayed by the Applicant, and it will not have any responsibility by the use that the Applicant does of a name of dominion once enrolled in the Registry.

## 15. FUSED WITH ARTICLE 10.

**Of the Transferences of Dominions**

16. The rights that emanate of the present regulation will be transferable to any title, except for prohibition in opposite. In order to give course him the following thing will be required:
- a. For the case of succession because of death sentence of effective possession properly enrolled and the name of dominion specifically contained in the Inventory will be required.
  - b. For the case of act between alive it will be required:
    - communication written on the part of the present legatee directed to NIC Chile, in which it is identified like so, with its RUT and signs, where it expresses his will of crossing and it identifies the new legatee of dominion, the RUT of this one, and an electronic post-office box of contact for future communications, or
    - authorized private contract before Notario or Public Scripture, in whom it has been left it express certainty of exhibition of the documents that they qualify to the person appearing ones in him (writing of function and position of agent, mandate contract, etc), with certification of use and other proceedings that in right are required.

The new holder of the dominion will have to fulfill the payment of the tariff as if he was asking for the inscription of the dominion for the first time. If thus it will not do it within the term, NIC Chile will conserve the effective inscription.

17. NIC Chile will file transference documents but its examination will not be incumbent to him and in case some will be able to reject no transference, circumstance that the applicant accepts irrevocably from either without position nor reclamations, being released of responsibility the University of Chile, the Department of Sciences of the Computation, NIC Chile and its civil servants or advisers.

**Of the Eliminations of Dominions**

18. A dominion name will be eliminated or written request of the person who asked for the inscription, or of her representative properly authorized, or by resolution emitted by the competent authorities.
19. COUNTERMANDED.

**Of the Revocations of Dominions**

20. All natural or legal person whom she considers seriously affected his rights by the allocation of a dominion name will be able to ask for the revocation of that inscription, basing her request according to the had thing on article 21 the present regulation.
21. For the effects to ask for the revocation of an registered dominion, it will be necessary that the claiming one asks for NIC Chile in writing, the revocation of this dominion, indicating the arguments on that one is based.

Received the revocation request, NIC Chile will notify of this one the involved parts, via electronic mail. The procedure of a revocation request will subject to the rules of the procedure of MEDIATION AND ARBITRATION.

22. He will be causal of revocation of a dominion name the one that their inscription is abusive, or that it has been realised of bad faith.

The inscription of a dominion name will be considered abusive when the three following conditions are fulfilled:

- a. That the dominion name is identical or deceptively similar to a product mark or on watch on which the claiming one has right, or to a name by which the claiming one it is recognized.
- b. That the legatee of the dominion name does not have right or I interest legitimate with respect to the dominion name, and
- c. That the dominion name has been registered and is used of bad faith.

The concurrence of some of the following circumstances, without their enunciation is restrictive, will serve to demonstrate and to demonstrate the bad faith of the legatee of the object dominion:

- a. That circumstances that they indicate that exist the name of dominion with the main intention has register to sell it, to rent it either another form to transfer the inscription of the name of dominion to the claiming one or its competition, by an excessive value by on the direct costs regarding its inscription, being claiming of the service or or the proprietor registered tradename,
- b. That the name of dominion with the intention has register to prevent the holder of the product mark or service to reflect the mark in the name of corresponding dominion, whenever has settled down on the part of the legatee of the dominion name, this rules of conduct.
- c. That the name of dominion with the preponderant aim has register to disturb or to affect the businesses of the competition.
- d. That using the dominion name, the legatee of this one, it has tried to in line attract with aims of profit users from Internet his Web site or any other place, creating confusion with the mark of the claiming one.

Notwithstanding the anticipated thing in the previous paragraphs, the concurrence of some of the following circumstances, without their enunciation is restrictive, will serve to demonstrate and to demonstrate that the legatee of the objected dominion has not acted of bad faith:

- a. That the legatee of the dominion demonstrates is using that it, or making preparations to use it, with the authentic intention to offer goods or services under that name,
- b. That the legatee of the dominion name commonly is met by that name, although is not holder of a registered tradename with that denomination, and
- c. That the legatee is making noncommercial a use legitimate of the dominion (“to fair he uses”), without attempt to obtain a commercial gain, nor with the purpose of to confuse the consumers.

If the result of the procedure of mediation and arbitration with respect to a revocation request will be favorable to the claiming one, NIC Chile will come to transfer the dominion to this one, that will have to fulfill the allocation requirements, that is to say, the payment of the tariff and the shipment of the respective documentation, within the term of 30 days. If thus it will not do it, the dominion will be eliminated.

### **Of the Modifications of this Regulation**

23. The present Regulation could already be modified or be replaced the times that are necessary, in only opinion of NIC Chile, being forced from the user to accept immediately the new norms that pay attention, without reserves of no nature.

## **ANNEX 1**

# Procedure of Mediation and Arbitration

1. The conflicts that are provoked in the inscription, procedure and revocation of names of dominion in dominion CL will solve according to a procedure of mediation and arbitration. In one first stage, the conflicts will be put under the mediation procedure, and to be this one unfruitful one, will be followed with the procedure of arbitration, case in which the parts will be able to designate a referee in common agreement, or in its defect, NIC Chile will designate a referee of a list that will be published in the page Web of NIC Chile.

## Of the mediation procedure

2. Once the existence of a dispute by the inscription or the revocation of a dominion name is credited, NIC Chile will come to notify to the parts by electronic mail. This notification will include:
  - a. The existence of the conflict and the name of dominion in dispute.
  - b. The identification of the involved parts, including all the information for its contact.
  - c. A reference to the present regulation and the founded request of revocation, if so.
  - d. Citation to a mediation hearing, with day, determined hour and place for its celebration.

The parts will have to appear personally, but in described cases, the participation of some of them via videophone conference will be able to be authorized. It will be understood that one has not reached agreement by only caused that some of the parts does not attend the hearing.

The hearing will be moderate by a mediator designated by NIC Chile, that will urge to the parts to reach an agreement, without it affects no type to him of incapacity that can be demanded by the parts.

Of the acted thing in the hearing a act will rise that will brief place, attending date, hour, parts, obtained agreement or absence in agreement. This act will have to be signed by all the presents. In case some participates via videophone conference, the act will be sent him by mail certificate, which will have to be given back signed, within ten working days, those that will be counted from the third day of issued the act.

If the result of the hearing were the solution of the controversy, the act will constitute sufficient written communication so that NIC Chile comes to carry out the definitive allocation of the dominion that originated the conflict.

## Of the arbitration procedure

3. If in the mediation hearing the resolution of the conflict were not obtained, in the act it will be consulted to the parts if they decide the designation a referee. In case agreement or in the case of absence of one of them does not exist on the matter, NIC Chile will come to send a list of referees so that the applicants can erase to a maximum of three members of her within the term of five working days.
4. Having itself carried out the fault or, overcome the term for it, it will be come then to designate to a referee by drawing between which they have not been erased.
5. If later the designated referee will not accept or resigned to this designation, he will be come to designate to another one by drawing.
6. The list of referees will be elaborated annually by NIC Chile and will be at the disposal of the public in the page Web of NIC Chile.
7. The referees will have the character of "arbitrador", and against its resolutions resource will not come some. The referee is especially authorized to solve all subject related to his competition and jurisdiction including the fixation of the coasts of the arbitration and the mode

of payment of them, notwithstanding arranged in the article 8°, final paragraph.

8. NIC Chile will notify by electronic mail the designated referee and will send along with the notification all the antecedents for its knowledge of the case, having this one of accepting or of rejecting the designation within the tenth working day since it receives the notification. If the referee rejects the designation, or he does not communicate his acceptance to the Secretariat within the term before referred, this one will come to designate a new referee by drawing.

In case of accepting, the referee will mention to the parts by letter certified to a hearing whose date could not be, in no case, subsequent to 20 working days counted from the expedition of the letter. Also, he will have to send by electronic mail to NIC Chile and the parts he copies identical of the referred letter of acceptance.

The hearing will be celebrated with the part that attends and in her the parts will establish altogether with the designated referee, the by arbitration procedure to follow. In case the parts do not reach an agreement as far as the procedure, or in case one or more of them does not concur to the hearing, the one will be the referee that determines the procedure.

For the case in that no of the parts in conflict appears to the hearing, the referee will emit a resolution that orders that the dominion in dispute is assigned to the first applicant, or that stays its present allocation, in case of revocation request.

The referee, notwithstanding the tests offered by the parts and of the decreed ones in the by arbitration judgment, will be able, of office or at the request of part, to celebrate to NIC Chile to ask for information concerning the dominion names of which she is applicant or to title anyone of the parts in conflict. The same requirement will be able to be decreed with respect to requests of eliminated names of proceeding dominion.

The coasts of the arbitration will be shared by the parts that have participated in the same excepting of it to the first applicant in the case of a conflict by inscription, or the present legatee, in a conflict by revocation. Notwithstanding the previous thing, the referee will be able to condemn the payment of the totality of the coasts of the arbitration, to that one of the applicants whom the name of rejected dominion has requested to inscription in cases in that the existence of incompatible rights of third parties by any cause will be evident, in which such applicant has acted of bad faith, or in which the referee determines that some has not had reason to litigate.

9. In case of death, disease or sobreviniente incapacity of the referee who is knowing a subject, NIC Chile will come with the designation of a new referee by drawing. The sobreviniente incapacity will be communicated by the own referee, or described by NIC Chile.
10. The referee will have to notify the failure to the parts by certified letter the one that will be sent to the address that these have designated in the by arbitration procedure, unless they had asked for and the prepared referee their notification by other means. With respect to NIC Chile he will have to notify the resolution that orders to digitally give fulfillment to the resolute thing by means of the shipment of a message of signed electronic mail.

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