FCCN

Fundação para a Computação Científica Nacional
Foundation for National Scientific Computing

.PT Domain Name Registration Regulations

Legal Deposit no 340473/12

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Preamble

The *FCCN - Fundação para a Computação Científica Nacional*, (Foundation for National Scientific Computing) is a private non-profit making institution whose responsibility it is to manage, register and maintain .pt domains within the scope assigned to it by the organisation *IANA - Internet Assigned Numbers Authority (RFC 1032/3/4 and 1591),* substituted by the *ICANN- Internet Corporation for Assigned Names and Numbers*.

Since 2001, the FCCN has been organizing the .pt name space using second level domains designed to share the namespace for .pt addresses, in order to more easily accommodate different types of entities and business sectors. In this way, the registration of domains can be located directly under '.pt', or under one of the classifying domains (.pt sub-domains) '.net.pt', '.gov.pt', '.org.pt', '.edu.pt' , '.int.pt', '.publ.pt', '.com.pt' or '.nome.pt'.

This department's over 10 years' experience and the general public's lack of enthusiasm for registering in some of the various hierarchies, have led FCCN to extinguish the following second-level domains (.PT sub-domains) with effect as from the date that these Regulations come into force: '.net.pt', '.int.pt', '.publ.pt' and '.nome.pt'.

Only domains registered directly under .pt or under the second level domains referred to in this document are considered official .pt domains.

Since 1st January 2005, FCCN has allowed the registration of domain names with special characters from the Portuguese alphabet, in accordance with the international recommendations that point to multi-lingual usage of the Internet.

International practice in registering top-level domain names, the maturity reached in registering domain names in Portugal, the adjustment to the simplification programmes carried out by the Portuguese State and the guarantee of quick and effective dispute resolution, have lead FCCN to liberalise .PT domain registration.

In line with international best practices, including the recommendations by the World Intellectual Property Organisation (WIPO), the limits regarding geographic names in .PT remain the same and the rules that promote respect for acquired rights are ensured, thereby aiming to avoid any speculative and abusive registration of domain names under .PT, namely by prohibiting names that mislead or cause confusion about their ownership, namely by coinciding with trademarks or other notorious or prestigious rights belonging to another;

A policy for the extra-judicial resolution of disputes is guaranteed through the use of ARBITRARE – Arbitration Centre for Industrial Property, Domain Names and Company and Business Names, as a specialised Centre with the legal authority to resolve disputes regarding domain names (www.arbitrare.pt), which was set up in 2008 as an Institutionalised Arbitration Centre with the high patronage of the Ministry of Justice for resolving disputes concerning Industrial Property, Domain Names and Company and Business Names.

At an international level, FCCN continues to actively participate, as a member and participant, in meetings and work groups of accredited organisations concerning the Internet, such as ICANN – Internet Corporation for Assigned Names and Number and CENTR – Council of

European National Top Level Domain Registries. The FCCN carries out its work within the scope of the recommendations provided by these entities, in order to ensure:

The technical and administrative management of the namespace for .pt Internet addresses;

- The correct configuration and operation of the primary DNS server for the .pt DNS zone;
- The maintenance of a database of the registered domains, which is accessible via the Internet;
- The provision of statistical data on .pt domain registration;
- The operation of an autonomous entity with an advisory role – the DNS pt Advisory Council – whose aim is to involve noteworthy entities in the Internet field, in order to evaluate the service provided to the community and to draw up and interpret the rules for the Registration of Domains.

FCCN is also committed to continuously promoting partnerships with entities, in order to optimise the management of domain registration, through the figure of the registrar, with specific rights and duties and easy access rules.

The FCCN also encourages Internet users to send in all suggestions related to this document.

This document is available in electronic format at www.dns.pt

Chapter I

Conditions for registering .PT Domains

Section I

General Conditions

Article 1

Technical Conditions

1. For a domain to be assigned in the .pt zone it must be technically associated to a primary name server that is correctly installed and configured, in order to ensure an authoritative response to the domain being registered.

2. Redundancy of the DNS service must also be ensured by simultaneously configuring one or more secondary servers, which should preferably be located in different buildings, not using the same local network.

3. The servers should be configured in accordance with the parameter rules established in RFCs 819, 920, 874, 1032 to 1035 and 1101, as well as in any other current or future documents that are applicable in this context.

4. The registration of domains simply for the purpose of reserving an associated name does not require any technical data.

Article 2

How to Register

To register a .pt domain name, the interested party may:

- use one of the Registrars accredited by FCCN, which are listed at www.dns.pt;
- carry out the registration on-line, at www.dns.pt, obeying the particular conditions for each hierarchy, in accordance with the sections within this chapter.

Article 3

Administrative Conditions

FCCN reserves the right to carry out an *a posteriori* control, within the terms set out in section VIII of chapter I regarding registered domains in order to guarantee compliance with that established in the present regulations.

Article 4

Activation and Validity

1.   The domain will become active following accumulated checking of the following conditions:

   a) Registration in accordance with the technical and administrative conditions laid down in these regulations;
   b) Payment of the maintenance fee within the terms of article 35.

2.   If the correct technical information is not indicated or if it does not correspond to the authoritative server, the domain will remain in the "reserved" status and will not appear delegated in the .pt zone.

3.   Domain registration is valid for the period corresponding to its payment and will expire if there is no desire to renew it, pursuant to and for the purposes mentioned in Articles 35 and 36 of this Regulation.

4.   Registration will also no longer be valid should the domain be removed due to any reason arising from the application of this regulation, of the law or of a judicial or arbitral decision.

Article 5

Responsible for the Domain

To register a domain the following contacts must be indicated:

- Registrant - Individual or corporate body that takes on the ownership of the domain. It is his responsibility to choose the domain name and assume complete responsibility for it. The registrant may indicate an entity/person to administrate the registration/maintenance process, or choose to assume these tasks himself, by carrying out the user registration online. In the case of a corporate body, the full name of an individual to be contacted, when necessary, must also be indicated.

- Administrative contact - responsible for the administration of the domain registration/maintenance process. Therefore, you must provide and maintain up-to-date the data supplied at the time of registration, both for administrative/financial issues and for technical issues. The FCCN will not be responsible for any difficulty in making contact as a result of contact details that are not up-to-date or are incorrect. The administrative contact may be an entity with registrar status with FCCN, in accordance with the list available at www.dns.pt.

- Technical contact - Responsible for the technical administration of the DNS zone under the domain and for configuring the hosts in that same address namespace. This person must have technical knowledge and be available to receive and evaluate reports about problems and, when needed, take the necessary action to solve them. The technical contact will be duly notified of problems of a technical nature that arise from the domain registration/administration process. Apart from the information indicated in the registration, it must be possible to contact the technical contact through a mailbox specified in the "SOA resource record", which should therefore be active.

Article 6

Contacts and information

1.   Any matter related to the process for attributing or managing domain names must be directed to the contacts, using the channels indicated in the next paragraph.

2.   The .pt domain registration service should preferably be contacted by email to request@dns.pt or, alternatively by fax on 21 8440157, by telephone (blue line) 808 20 10 39, or from abroad +351 21 313 57 37 (working hours – weekdays, from 8 a.m. to 8 p.m.), or by post (DNS.PT, Apartado 50366, 1708-001 Lisboa).

Article 7

Notifications

1.   Matters of an administrative and/or financial nature will be dealt with directly and exclusively by the domain's administrative contact and those of a technical nature by the technical contact.

2.   FCCN will use electronic mail and SMS text messages as the preferred means of contact with the various people responsible for the domain and will only use other means when the former are not available.

3.   Notifications sent to the addresses and contact numbers indicated by the domain's Administrative Contact will always be deemed valid and delivered.

4.   To send any documentation to FCCN, namely that mentioned in point 3 of article 23, the channels mentioned therein should be used or, if this reference is missing, those indicated in paragraph 2 of article 6.

Article 8

General Conditions for Composing Names

1.   Unless otherwise indicated, the domain name to be registered must have between 2 and 63 characters belonging to the following group:
0123456789abcdefghijklmnopqrstuvwxyz

2.   The domain name may also have special characters from the Portuguese alphabet, due to the use of IDN'S (Internationalized domain name), in accordance with the following table:

á	à	â	ã
ç			
é	ê		
í			
ó	ô	õ	
ú			

- In order to separate words, only the hyphen «-» is acceptable, which may not be used at the beginning or end of the domain name. Acceptable examples: cm-lisboa.pt, guarda-redes.com.pt.

- Conversions of characters not included in the previous points are also acceptable when these characters are part of basis for the domain name application, in the cases where this is compulsory by the terms of the Regulation. Thus, namely:

The character "&" could be converted into the character "e" or "and";
The character @ could be converted into the character "a";
3.   Numbers in words may be converted into its respective symbols and vice-versa.

Article 9

Prohibited Domain Names

1.   Apart from the items prohibited for each .pt hierarchy, the domain name also may not:

a)   Correspond to words or expressions contrary to law, public order or morality;

b)   Correspond to any top level Internet domain name in existence or in the process of being created;

c)   Correspond to names that would mislead or cause confusion about their ownership, namely, by coinciding with notorious or prestigious trademarks that belong to another;

d)   Correspond to any protocols, applications or terms of the internet, as defined by the IETF (The Internet Engineer Task Force);

e)   Contain two hyphens «--» in a row in the third and fourth position;

f)   Correspond to a geographical name, except for registrations in the .com.pt second level domain, to which this prohibition is not applied, and directly under .pt within the terms of sub-paragraph b) of article 11;

2.   The same name may not be registered more than once in each hierarchy. The registrant of a .pt domain name guarantees that the registered name and its ownership do not conflict with established rights of others.

SECTION II

REGISTERING DOMAINS UNDER .PT

Article 10

Legitimacy

Domain names under .pt may be registered by all individual or corporate entities.

Article 11

Composing the Domain Name

Unless otherwise indicated, the domain name registered directly under .pt must obey the following rules:

a) Have between 3 and 63 characters belonging to the group listed in paragraphs 1 and 2 of article 8;

b) In the case of geographic names, these can only be legitimately registered by the legal administrative authority.

§ The legal administrative authority is understood to be that which carries out the administration on a restricted geographical constituency, namely, the State over its territory, the Regional Governments over the territory of the Autonomous Regions, the local authorities regarding their respective administrative districts and local agencies and the local State bodies regarding the administrative area in which they carry out their responsibilities.

SECTION III

REGISTERING DOMAINS UNDER .GOV.PT

Article 12

Legitimacy

Domain names under .gov.pt may be registered by entities which are part of the Government structure of the Portuguese Republic.

Article 13

Composing the Domain Name

The domain name registered under .gov.pt must coincide with the denomination of its registrant, its abbreviation or acronym, or with the name of projects or actions which it carries out or will carry out.

Article 14

Registrar

The registration process for a domain under .gov.pt is carried out by CEGER – Centro de Gestão da Rede Informática do Governo (Management of the Government's IT Network), in accordance with the regulations available at www.ceger.gov.pt to be applied, in addition, the provisions of the present Rules.

SECTION IV

REGISTERING DOMAINS UNDER .ORG.PT

Article 15

Legitimacy

Domain names under .org.pt may be registered by non-profit organisations and individuals.

Article 16

Composing the Domain Name

The domain name under .org.pt must coincide with the denomination of its registrant, its abbreviation or acronym, or with the name of projects or actions that it carries out or will carry out.

SECTION V

REGISTERING DOMAINS UNDER .EDU.PT

Article 17

Legitimacy

Public teaching establishments and owners of private and co-operative teaching establishments may register domain names under .edu.pt.

Article 18

Composing the Domain Name

The domain name under .edu.pt must coincide with the designation allocated on the document which identifies/recognises the nature of the educational establishment, or with an abbreviation or acronym of that designation, except, in the case of the latter, if it results in an inversion or addition to it.

SECTION VI

REGISTERING DOMAINS UNDER .COM.PT

Article 19

Legitimacy

Domain names under .com.pt may be registered by all individual and corporate entities.

Article 20

Composing the Domain Name

The domain name under .com.pt only has to observe the rules regarding the general conditions for composing domain names set out in articles 8 and 9.

SECTION VII

OTHER TYPES OF REGISTRATION

Article 21

Registrations based on criteria established by law

Apart from the possibilities of registering domain names listed in the previous articles, registrations which obey conditions that are expressly described by law are also allowed.

SECTION VIII

MONITORING AND ASSESSMENT

Article 22

Monitoring and Immediate Removal

1.   It is FCCN's duty to assess and decide if registrations carried out comply with the standards set out in the present Regulation.

2.   FCCN ensures a rapid mechanism for monitoring the domain names registered in the .pt, .org.pt and .com.pt hierarchies, whereby it assesses their compliance with the domain name registration rules set out in this Regulation, namely their non-correspondence to words or expressions contrary to law, public order or morality, or that mislead or cause confusion about their ownership, or in the case of .pt, the legitimacy for registering geographical names;

3.   For the hierarchies not mentioned in the previous paragraph, FCCN may carry out an *a posteriori* control regarding the legitimacy, the basis for registration and in general terms,

about the admissibility of the domain names, in order to monitor compliance with the present regulation.

4.   In the cases provided for in the previous paragraph and whenever FCCN deems it necessary, the administrative contact of the domain in question may be requested to present, within 2 working days, copies of the registration's support document(s).

5.   The registration of a domain will be removed immediately if, after the assessment has been carried out, failure to comply with any of the conditions provided for in the present regulation is confirmed.

6.   After the domain has been removed it will be available for registration by any interested party.

CHAPTER II

MAINTENANCE

Article 23

Technical conditions

1.   In the case of domain name registration simply for the purpose of reserving that name, the maintenance of the process does not imply compliance with any technical conditions;

2.   In order that the delegation of a domain may be maintained in the .pt zone, the name servers indicated in the process must be guaranteed permanent access to the Internet, so that these can be consulted at any time, and the response of these servers regarding the domain name in question must be authoritative.

Article 24

Providing and Updating Data – WHOIS Policy

1.   The registrant and the administrative contact of the domain name authorise the data regarding the domain, as well as its respective contacts, to be put into electronic format and disclosed on the Internet by FCCN, for consultation by the public in general, enabling the domain name to be associated with its registrant and administrative contact.

2.   The WHOIS policy and .PT Top Domain personal data processing obey the applicable legislation, namely legislation regarding personal data protection Law 67/98 – Law for the Protection of Personal Data and is an Attachment to this Regulation and an integral part of it.

3.   The holders of the data provided on the Internet by FCCN, have the right to access it and must update it whenever there is an occurrence that requires such an update.

4.   The holders of the data provided on the Internet can oppose to its disclosure, in which case they should inform the FCCN in writing of this intention.

5.   When registering the domain name it is possible to choose for it not to be disclosed on the DNS.PT website, in which case the FCCN must be informed of this intention, in writing.

Article 25

Payments

1.   Registering a domain name implies the payment of a maintenance fee, in accordance with the table published on the website www.dns.pt.

2.   For the purpose of applying the maintenance fee to be paid, the date of the domain's submission or renewal on FCCN's database will be considered.

3.   The maintenance fee covers the costs of registration, management and maintenance of the domain.

4.   When the Administrative Contact of the domain is a Registrar, they are responsible for the payments.

Article 26

Invoicing

1.   FCCN provides the necessary references for payment of the domain, in accordance with the method chosen for that purpose.

2.   FCCN issues the first invoice/receipt for the payment referred to in the previous point and makes it available to the Administrative Contact.

3.   FCCN duly informs the Administrative Contact in advance, by email or SMS, of the domain name's expiry date, and warns of the necessity for renewal through the mechanism available online at www.dns.pt

4.   Activating the renewal mechanism implies the payment and issue of an invoice/receipt for the period chosen at the time of renewal.

5.   If the renewal mechanism is not activated, it implies moving the domain to the "Pending Deleted" status for a maximum of 30 days, during which time it can only be reactivated in the registrant's name.

6.   If reactivation does not take place within the period mentioned in the previous point, the domain name will become free for registration.

7.   Invoicing to registrars is carried out in accordance with specific rules, agreed to by protocol with these entities, so the general rules do not apply.

8.   Unless otherwise declared during registration, it is understood that the person responsible for the payment of the domain name adheres to the system of electronic invoicing within the terms of the legislation in force.

Article 27

Payment Options

Within the terms of the law, FCCN accepts all legal means of payment, although, in order to speed up the service provided, advises the use of electronic means of payment.

Article 28

Review of Prices

1.   At any time and without having to give any prior warning, FCCN may review the domain maintenance fees.

2.   The amount to be paid is the one that is in force on the invoice date, not implying any update of the fees, any additional charge or refunding to the registrant during the period covered by the payment.

Article 29

Refund of amounts paid

Whenever immediate removal of a domain name registration takes place, within the scope of article 22, FCCN refunds the amount paid at the date of the registration for which the Administrative Contact must supply the respective bank details which will enable the payment to be refunded by transfer.

CHAPTER III

ALTERATIONS

Article 30

Procedure

1.   To make any changes to the data in the process, using the access credentials given at the time of registration, the respective contact should carry out the desired alterations on-line and these will be duly processed, except in the case of any irregularity;

2.   When changes are made to the primary and/or secondary servers, the previous Technical Contact should proceed to delete the respective configurations on the old servers in order to guarantee correct use of the domain;

3.   Changing the ownership of a domain depends on express request to FCCN by the new registrant, attaching the support documents that legitimise that transferral, when applicable. When authorised, the change will be made by FCCN that will inform the previous registrant. The domain name must continue to obey the same rules for composing the name foreseen for domains under .PT and second level domains of .PT.

4.   The FCCN will also proceed to change the Registrant of the domain whenever there is an arbitral or judicial decision to that intent.

Article 31

Changing the domain name

After registering a domain name, it cannot be altered.

CHAPTER IV

DOMAIN REMOVAL

Article 32

Removal by the registrant

1.   In order to remove a domain, using its access credentials, its Registrant or Administrative Contact must request this on-line, or alternatively, send a request to that effect, in writing, to the contacts indicated in article 6.

2.   Whenever removal is requested by the Administrative Contact, FCCN will inform the Registrant by email or SMS, and the Registrant may oppose this removal within 8 days from the referred notification.

3.   Removal of the domain does not confer the right to any reimbursement.

Article 33

Removal by FCCN

A domain is removed by FCCN when one of the following situations is brought to its knowledge:

  a) Loss of the right to use the domain name, namely by an arbitral or judicial decision;
  b) Cessation of the Registrant's business, which is the basis for attributing the domain, in the hierarchies in which that is applicable;
  c) Confirmation of that provided for in paragraph 4 of article 22;
  d) Insufficient or incorrect data is supplied, preventing FCCN from making contact with those responsible for the domain;
  e) If false identification data of the domain contacts is detected, namely the respective VAT number;
  f) The domain renewal mechanism was not activated;
  g) The registrant does not oppose the Administrative Contact's intention to remove it, in accordance with paragraph 2 of article 32.

Article 34

Notification

1.   FCCN notifies the Registrant and the Administrative Contact, indicating the reasons for the removal of the domain, which will be effective 8 working days after sending the referred email, except in the foreseen case where removal is immediate.

2.   In the case of expiration, this will occur automatically and the notification set out in the preceding paragraph will not take place.

3.   For the cases provided for in paragraph 4 of article 22, removal is immediate, without the term set out in paragraph 1.

Article 35

Suspension by FCCN

Reiterated Practice of Speculative and Abusive Registrations

1.   Whenever FCCN detects a registrant's reiterated practice of speculative and abusive domain name registrations, it can place the domain names in question in the "Pending Delete" status, and they will be suspended until FCCN decides to reactivate or definitively delete them;

2.   It will be considered that there is a reiterated practice of speculative and abusive domain name registration by a registrant, when a practice of hoarding domain names is verified or if these have been registered with the objective of disturbing third-parties' businesses or to attract Internet users, misleading or causing confusion about their ownership.

3.   FCCN notifies the Administrative Contact indicating the reasons leading to the suspension of the domains.

4.   The domains are suspended for a maximum period of 30 days, during which time the holders of previous rights can request their registration and FCCN will publish a list of this type of suspended domains on its Internet site www.dns.pt.

5.   At the end of the period referred to in the preceding paragraph, and in the case that the domain names are not legitimately claimed, FCCN will reactivate them in the name of the initial registrant.

CHAPTER V

RESPONSIBILITY

Article 36

The Responsibility of the Domain Registrant

1.   The Registrant of a domain name assumes total responsibility for the choice of name requested and should ensure that it does not clash, namely with another's intellectual property rights or with any other rights or legitimate interests of third parties.

2.   On registering a domain, the registrant assumes the obligation to integrally observe the rules set forth in the present regulation and the law.

Article 37

The Responsibility of the FCCN

1.   As the legal entity for the registration and management of domains under .pt, FCCN promotes the correct maintenance of the domain name space from an administrative, legal, and technical aspect.

2.   The FCCN's contractual responsibility, namely that resulting from the alteration, expiration and removal processes of domains, is limited to the cases in which fraud or gross negligence occurs.

CHAPTER VI

THE .PT DNS ADVISORY COUNCIL

Article 38

Composition

The .pt DNS Advisory Council is an organ with an advisory role, composed of noteworthy entities in the Internet, intellectual and industrial property and electronic communications fields.

Article 39

Duties

1.   It is the Advisory Council's duty, on its own initiative or on request by FCCN, to issue opinions and recommendations about the management of the .pt Internet name space, namely concerning:

a)   Evaluation of the service provided to the Internet community;

b)   Evolution of the rules for "Registering Domains under .pt".

2.   The Advisory Council may also be requested by FCCN to give its opinion on other matters related to registering and maintaining domains under .pt, namely regarding doubts or claims related to the application of the present regulation.

Article 40

Operation

The mode of operation of the Advisory Council is subject to internal regulation.

CHAPTER VII

ARBITRATION

Article 41

Institutionalised Voluntary Arbitration

1.   In the case of dispute concerning domain names, the registrants of these can agree to turn to institutionalised voluntary arbitration, provided for and regulated in Law 63/2011 of the 14th of December.

2.   When registering a domain name, the registrant can agree to the arbitration convention with regard to the resolution of disputes over domain names, designating for that purpose, the Centro de Arbitragem para a Propriedade Industrial, Nomes de Domínio, Firmas e Denominações - Arbitrare (Arbitrare - Arbitration Centre for Industrial Property, Domain Names, Companies and Company Names).

3.   The arbitration procedure can be found in the Arbitration Centre's Regulations and in the legislation in force on the subject.

4.   The arbitration referred to in the preceding paragraphs applies to situations of non-compliance regarding a domain name and can be requested by any interested party:

a)   Against the registrant of the domain name that is the subject of arbitration; or

b)   Against the Registry (FCCN – Foundation for National Scientific Computation), for deleting or accepting the registration of a domain name;

Article 42

Injunction

1.   In the arbitration process, whenever the applicant shows grounded fear that another is causing serious harm to his right, which will be difficult to set right, temporary suspension of the domain name in dispute can be requested, in order to ensure the effectiveness of the right under threat.

2.   The arbitration tribunal's decision that defers the injunction, indicating the reasons, is notified to FCCN, which will suspend the domain name, until the final decision of the arbitration proceedings.

Article 43

Institutionalised Voluntary Arbitration Criteria

1.   In the case of the proceeding being proposed against the registrant of the registration whose domain name is the subject of arbitration, the decision that comes to settle the present disputes may amount to the initial situation being maintained or to the deletion and/or transferral of the domain name ownership.

2.   For the purpose of that provided for in the preceding paragraph, the arbitrator should proceed to analyse, evaluate and verify compliance with the following cumulative provisions:

a)   The domain name coincides with, is identical to or susceptible to causing confusion with a name or designation protected within the terms of the legal arrangements in force in favour of the claimant of the arbitration proceedings;

b)   The domain name was registered without being based on any rights or legitimate interests previously acquired by its registrant;

c)   The domain name is registered or being used in bad faith.

Sole Paragraph: for the purpose of verifying the existence of bad faith, the following facts or circumstances, among others, may be used as evidence: the domain name was registered or acquired with a view to later selling it to the claimant; the domain name was registered expressly in order to disturb the claimant's professional business; the domain name was used intentionally, in the pursuit of commercial gain, to attract Internet users to the claimant's website; the domain name is made up of one or more first names or of the combination of a first name and the claimant's surname.

3.   In the case of the proceeding being proposed against the Registry (FCNN – Foundation for National Scientific Computation), the decision that comes to settle the present disputes may consist of FCCN being obliged to delete a domain name that was unduly accepted or to accept the registration of a domain name that was unduly refused.

- For the purpose of that provided for in the preceding paragraph, the arbitrator should proceed to analyse, evaluate and verify compliance with the legal arrangements and regulations regarding the composition of domain names, namely if there is a violation of the rules which prohibit the .pt domain name being the same as words or expressions contrary to law, public order or morality, as any top Internet domain name in existence or in the process of being created, or as a geographical name whose ownership does not come under the legal administrative authority for that registration. The domain name in .pt and its second level domains must also meet the rules for the legitimacy and basis for registration set out in the Regulation, for each case.

CHAPTER VIII

FINAL AND TRANSITORY ARRANGEMENTS

Article 44

Effective Date

1.   The present regulation applies as from 1st March, 2012.

2.   The rules resulting from the present revision do not apply to processes which are pending at the time of it entering into force.

3.   No alteration to any point in the rules can affect the registration of a domain carried out within the scope of the previous rules.

4.   New registrations will not be accepted in the following hierarchies: .net.pt; .publ.pt; .int.pt e .nome.pt".

5.   Domains registered in the hierarchies identified in the preceding paragraph, under previous regulations, will remain unchanged.

Article 45

"Sun Rise" Period

1.   In order for holders of previously constituted rights, namely public organisms, companies, company names, trademarks, names of establishments, logotypes, author copyright, professional , literary or artistic names, for the first 60 days after the present Regulations come into force ("Sun Rise" period), only domain names which obey that outlined in the following paragraph may be registered directly under .pt.

2.   The domain name registered during the Sun Rise period indicated in the previous paragraph must coincide:

a)   Fully with the sign in the title which serves as the basis for the prior right;

b)   In the case of names of public organisms and the names and companies of corporate bodies, the domain name may fully coincide with these or their abbreviations or acronyms as long as they are in the title which serves as a basis for the prior right.

3.   To guarantee conformity with the contents of this article, for registrations directly under .pt, during this period FCCN will apply that provided for in article 22.

4.   At the end of the period foreseen in paragraph 1, the rules for registering domain names under .pt foreseen in these regulations will come into force without restrictions.

Article 46

Reserving Domains

FCCN may reserve domains under .pt, when this is imposed for technical reasons, for the correct management of the national name space or for compliance with legal or contractual commitments, namely those signed with international entities operating in this area.

Article 47

Evaluation

Notwithstanding the immediate introduction of modifications that become justified, into the present regulation, the same overall evaluation will be applied, with the purpose of a possible revision.

Attachment

The Top Level Domain's WHOIS Policy. PT

1. Privacy Policy

1.1. Personal data processing

The WHOIS policy and .PT Top Level Domain personal data processing obeys the applicable legislation, namely legislation regarding personal data protection Law 67/98 – Law for the Protection of Personal Data.

When registering a Domain Name and accepting the Contractual Terms and Conditions within the Declaration of Accountability, the Registrant authorises the .PT Domain Registration Service to process personal data and other data required for using the .PT Domain Name system.

When registering the domain, the registrant authorises the data regarding the registered domain, as well as the respective contacts, to be put into electronic format and disclosed by FCCN, except in the following cases:

- if instructions have been received from a judicial authority, within its line of duty;

- on request by ARBITRARE – Arbitration Centre for the Resolution of Disputes concerning Industrial Property, Domain Names, Companies and Company Names, chapter VII;

- as set out in paragraph 2 (WHOIS search function) of the present document.

The Registrant has the right granted by law to oppose this disclosure, in which case he should inform FCCN in writing of this intention.

The Registrant has the right to access the respective personal data and change or request necessary corrections, should any errors be found.

The Registrant is committed to immediately inform FCCN, directly or through a Registrar, if there is any change to the name, address, e-mail address or telephone number. Supplying insufficient or incorrect data which prevents contact being made leads to removal of the domain (article 44 of the Domain Registration Regulations)

1.2. Information collected for internal use

The following personal data will be collected for the internal use of the Registration Service (except if it is available within the WHOIS search function set out in paragraph 2):

- full name of the Registrant;

- full name of the Administrative Contact (Registrar);

- full name of the Technical Contact;

- addresses of all the contacts;

- e-mail addresses of all the contacts;

- VAT number of the Administrative Contact (Registrar)

- telephone numbers of all the contacts;

- fax numbers (optional) of all the contacts;

- choice made regarding Institutionalised Voluntary Arbitration.

2. WHOIS Search Function

2.1. Introduction

Principles of Transparency and Public Interest require the .PT Domain Registration Service to provide a WHOIS search function which, when writing a .PT Domain Name, enables information to be found on administrative and technical aspects of a Domain Name's contacts.

When a Domain Name is registered, information regarding this registration is included in a WHOIS database, in compliance with the rules set out below. Information collected includes the contact information of the Registrant, Administrative Contact (Registrar) and the Technical Contact involved and details on the name servers where the .PT Domain Registration Service assigns authority regarding the Domain Name.

When accessing the .PT DNS or FCCN.PT websites and writing a Domain Name in the search function, it is possible to have access to information on that name and on the respective contacts, in compliance with that defined in this document.

2.2. Purpose

The purpose of the WHOIS database, as defined in [article 34 of the .PT Domain Registration Regulations](#) is to supply correct and up-to-date information on the Administrative and Technical Contacts of .PT domain names and which enable these to be correctly associated.

2.3. Identification of the .PT Domain Contacts

The entities which request the registration of a .PT Domain Name supply the following details: full name, address, e-mail address, VAT number (only compulsory for the Administrative Contact); telephone number, fax number (optional); choice regarding Institutionalised Voluntary Arbitration.

2.4. Information published in WHOIS

The availability of this personal data on the Internet is covered by the proper authorisation from the National Commission for the Protection of Personal Data of 17/11/1998, with the changes introduced on 02/01/2001.

When registering a Domain Name and accepting the Contractual Terms and Conditions within the Declaration of Accountability, the Registrant authorises the .PT Domain Registration Service to process personal data and other necessary data with a view to making it available on the Internet: The Domain Name; Submission Date; Expiry Date; Status; Name, address and e-mail address of the Registrant; Name and e-mail address of the Administrative Contact and Technical Contact and Information about the Nameserver, as per the following example:

Domínio	fccn.pt
Data Submissão	08-10-1991
Data de Expiração	31-12-2011
Estado	ACTIVE
Titular	Fundação para a Computação Científica Nacional Av. do Brasil, no. 101 Lisboa 1700-066 Lisboa secretaria@fccn.pt
Entidade Gestora	Fundação para a Computação Científica Nacional secretaria@fccn.pt
Responsável Técnico	Joao Nuno Urbano Ferreira ferreira@fccn.pt
Informação do Nameserver	fccn.pt NS ns01.fccn.pt. fccn.pt NS ns02.fccn.pt. ns01.fccn.pt. A 193.136.192.40 ns02.fccn.pt. A 193.136.2.228 ns01.fccn.pt. AAAA 2001:690:a00:4001::200 ns02.fccn.pt. AAAA 2001:690:a80:4001::200 fccn.pt DS ce99bc262ce36a9eb9ee0df81293ef4dbec8f173 RSA/SHA-1 (NSEC3) SHA-1 62196

Any other information collected will only be maintained for internal use, in compliance with paragraph 1.2. This information will not be disclosed to third-parties, except as provided for in 1.1.

2.5. Preventing incorrect use of the WHOIS service

Data supplied by the Whois service can be accessed using Whois customer tools, by command line or by using a Web-based function.

To prevent incorrect use of the Whois service provided by the PT DNS, the Registration Service carries out the following steps:

- searches are limited to a single criteria, the domain. It is therefore not possible to search for example by: name, e-mail address, address nor by fax or telephone.
- abusive use of the Whois service is not permitted, based on the volume of queries per origin (IP address). Data will be maintained on all Whois queries in order to make it possible to detect and act upon situations revealing excessive use;
- abusive use of the Whois service is understood to be a maximum of 1,000 queries within a period of 24 hours, per origin (IP address);
- when there is excessive use, the Whois service for the IP address of origin through which the abusive use was perpetuated may be suspended;
- suspension will be prolonged for a further 24 hours, for each successive episode;
- queries on domains outside the scope of the .PT Registration Service (for example .com) are automatically excluded. In such cases, the Whois service responds indicating an invalid search, without carrying out any further search.