

.PT Domain Name Registration Rules

Legal Deposit no. 376640/14



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Preamble

Associação DNS.PT is the entity responsible for the management, registration and maintenance of the .pt ccTLD. The .pt ccTLD was technically and administratively assigned to the FCCN (Foundation for National Scientific Computing) at the end of the 1980s. Within the scope of that assignment, it was that entity that managed the .pt ccTLD for the last 25 years. Since 9th May 2013, Associação DNS.PT has succeeded the FCCN in the rights and obligations pursued by the latter until that date within the scope of the assignment made by IANA – Internet Assigned Numbers Authority on 30th June 1988, (RFC 1032, 1033, 1034 and 1591) and in particular in the responsibility for managing, registering and maintaining domains under the .pt ccTLD (country code Top Level Domain) the top domain for Portugal, resulting from the legislative decision within Decree-Law 55/2013, of 17th April.

Associação DNS.PT is a private non-profit association whose founders are FCT, IP - Fundação para a Ciência e a Tecnologia, IP (FCT) (Foundation for Science and Technology), Associação do Comércio Electrónico e Publicidade Interactiva (ACEPI) (Association of Electronic Commerce and Interactive Advertising), Associação Portuguesa para a Defesa do Consumidor (DECO) (Portuguese Association for Consumer Protection) and the representative designated by IANA – Internet Assigned Numbers Authority, as the entity responsible for assigning the .pt ccTLD.

The scope of the association is to manage, operate and maintain the registration of .pt, the top-level domain corresponding to Portugal, complying for that purpose with the law, the principles of transparency and publicity, the present Statutes and the best applicable national and international technical, administrative and strategic recommendations. Apart from this broad mission, the Association has been assigned more operational competencies, among which the following are highlighted: technical and administrative management of the internet address space under .pt with the highest standards of effectiveness, transparency and advertising; maintenance of the application of a policy for resolving disputes through extra-judicial means using ARBITRARE - (Arbitration Centre for Industrial Property, Domain Names and Companies and Business Names) as a specialised centre with the authority to resolve disputes concerning domain names, (www.arbitrare.pt); acting in accordance with

international best practice regarding the stability, security and resilience of the DNS service; maintenance of the ISO9001 standard certification.

Only domains registered directly under .pt or under the .org.pt, .edu.pt, .com.pt e .gov.pt classifying domains shall be considered to be official .pt domains. The registration of domain names with special characters from the Portuguese alphabet has been permitted since 1st January 2005, in accordance with the international recommendations pointing towards multi-language use of the Internet.

At an international level, DNS.PT 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.

Apart from that provided for in its Statutes, and within the scope of the recommendations issued by these entities, the technical and administrative management of the Internet address space under .pt, must include the following:

- The correct configuration and operation of the primary server for the .pt DNS zone, as well as the remaining authoritative servers;
- The maintenance of a database of the registered domains, accessible via the Internet;
- The provision of statistical data on .pt domain registration;
- An autonomous body operating with consultative and support functions and participating in the definition of the strategy for carrying out the DNS.PT's purpose, and whose composition and responsibilities are described in article 9 of the Statutes of Associação DNS.PT. DNS.PT shall also undertake to continuously promote partnerships with entities in order to optimise domain registration management, through the figure of a registrar, with specific rights and duties and easy access rules.

Finally, one of DNS.PT's missions, clearly identified in its Statutes, is to carry out its work aimed at the Portuguese Internet community, in accordance with the wording of sub-paragraph m) of paragraph 2 of article 2 in conjunction with the wording of sub-paragraph h) of paragraph 1 of article 7. As such RFC 1591: *"(...) These designated authorities are trustees for the delegated domain, and have a duty to serve the community."*

DNS.PT 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 spaces, without sharing the same local network.
3. The servers must 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:

- a) Choose one of the Registrars accredited by Associação DNS.PT, hereinafter called DNS.PT, which are on the list available at www.dns.pt;
- b) Register directly at www.dns.pt obeying the particular conditions for each hierarchy, in accordance with the sections within this chapter.

Article 3

Administrative Conditions

DNS.PT 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 set out in the present Rules.

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 the present Rules;
 - b) Payment of the maintenance fee within the terms of article 25.
2. If the correct technical information is not indicated or if it does not correspond to the authoritative servers, 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 it is not renewed, pursuant to and for the purposes mentioned in articles 32 and 33 of the present Rules.
4. Registration will also no longer be valid should the domain be removed due to any reason arising from the application of the present Rules, of the law or of a judicial or arbitral decision.

Article 5

Those responsible for the Domain

The following contacts are associated to a domain registration:

- a) 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 manage 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.
- b) 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. DNS.PT 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 DNS.PT, in accordance with the list available at www.dns.pt.
- c) 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 211 312 720, by telephone (blue line) 808 20 10 39 (working hours – weekdays, from 8 a.m. to 8 p.m.), or by post (DNS.PT, Apartado 12050, 1061-001 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. DNS.PT 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 DNS.PT, namely that mentioned in paragraph 4 of article 22, 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:

0123456789abcdefghijklmnopqrstuvwxy

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

á	à	â	ã
ç			
é	ê		
í			
ó	ô	õ	
ú			

3. 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.

Article 9

Prohibited Domain Names

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

- a) Correspond to words or expressions contrary to law, public order or morality;
- b) Correspond to any Internet top-level domain;

§ Top-level domain is understood to be any TLD (Top Level Domain) which has been assigned by ICANN - Internet Corporation for Assigned Names and Numbers and is, as such, part of the DNS Root Zone, managed by IANA – Internet Assigned Numbers Authority. This information is accessible at: <http://www.iana.org/domains/root/db>.

- 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;

§Geographical name is understood to be any name, regardless of the language in which it is written, which coincides, namely, with:

- a) Any alpha-3 code listed in the ISO 3166-1 standard¹;
 - b) The name of a country or territory listed in the ISO 3166-1 standard²;
 - c) The name of a country or territory recognised by UNESCO³;
 - d) The name of a Portuguese city, civil parish, municipality, administrative region or demarcated area;⁴
 - e) The name of a foreign capital, city or demarcated area which, due to its notoriety or relevance, is of common knowledge;
 - f) Other Portuguese or foreign toponyms, such as rivers, hills, neighbourhoods or historic areas, which due to their notoriety and relevance, are of common knowledge.
2. The same name may not be registered more than once in each hierarchy.
 3. 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 the respective characters as set out 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

¹ List accessible at :http://www.iso.org/iso/iso-3166-1_decoding_table.html

² List accessible at :http://www.iso.org/iso/iso-3166-1_decoding_table.html

³ List accessible at :<http://www.unesco.org/new/en/unesco/worldwide/>]

⁴ In accordance with the list accessible at <http://www.portalautarquico.pt/portalautarquico/Home.aspx>

regarding their respective administrative districts, the Civil Parish Councils over the places that are part of the civil parish of the respective jurisdiction within the terms provided for in the Attachment to Law No. 11-A/2013, of 28 January, which implements the administrative reorganisation of the territory of the civil parishes and 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 with CEGER – Centro de Gestão da Rede Informática do Governo (Centre for the Management of the Government's IT Network), in accordance with the regulations available at www.ceger.gov.pt whilst applying, 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

It is DNS.PT's duty to assess and decide if registrations carried out comply with the standards set out in the present Rules.

1. DNS.PT 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 regulations set out in these Rules, namely their non-correspondence to words or expressions contrary to law, public order or morality, or to words that mislead or cause confusion about their ownership, or in the case of .pt, the legitimacy for registering geographical names.
2. For the hierarchies not mentioned in the previous paragraph, DNS.PT 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 Rules.
3. In the cases provided for in the previous paragraph and whenever DNS.PT 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).
4. 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 Rules is confirmed.
5. 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 DNS.PT, 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 from Law 67/98, of 26 October – Law for the Protection of Personal Data and is an Attachment to these Rules and an integral part of them.
3. The holders of the data provided on the Internet by DNS.PT, 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 its disclosure, in which case they should inform DNS.PT in writing of this intention or carry it out directly online in the specific field.
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 DNS.PT 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 DNS.PT'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, payments owed to DNS.PT will be made by that Registrar.

Article 26

Invoicing

1. DNS.PT provides the necessary references for payment of the domain, in accordance with the method chosen for that purpose.
2. DNS.PT issues the first invoice/receipt for the payment referred to in the previous paragraph and makes it available to the Administrative Contact.
3. DNS.PT duly informs the Administrative Contact in advance, of the domain name's expiry date, and warns of the necessity for its 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, and 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, DNS.PT 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, DNS.PT 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, DNS.PT 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 legal 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 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 DNS.PT by the new Registrant, attaching the support documents that legitimise that transferral, when applicable.
4. When authorised, the change will be made by DNS.PT who will inform the previous Registrant, whilst the domain name must continue to obey the same rules for composing the name foreseen for domains under the respective hierarchy.
5. The ownership of a domain name cannot be changed if it is the object of pending arbitral proceedings.
6. DNS.PT will also proceed to change the ownership of the domain whenever there is an arbitral or judicial decision to that intent.
7. With a change in the ownership of a domain, all the applicable terms and conditions at the time of the respective registration, namely accession to arbitration convention are for all intents and purposes considered to be unchanged, and as such, automatically applicable to the new domain Registrant.

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 should 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, DNS.PT will inform the Registrant by email or SMS, and the Registrant may oppose this removal within 8 days as from the said notification.
3. Removal of the domain does not confer the right to any reimbursement.
4. Removal of a domain name, at the will of its Registrant, is not permitted if it is the object of a pending arbitral proceeding.

Article 33

Removal by DNS.PT

A domain is removed by DNS.PT 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 and/or incorrect data is supplied, preventing DNS.PT 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. DNS.PT 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 cases implying immediate removal.
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 DNS.PT

Reiterated Practice of Speculative and Abusive Registrations

1. Whenever DNS.PT detects the 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 DNS.PT decides to reactivate or definitively remove them;
2. It will be considered that there is a reiterated practice of speculative and abusive domain name registration by a Registrant, when 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. DNS.PT 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 DNS.PT will publish a list of this type of suspended domains on its website www.dns.pt .
5. At the end of the period referred to in the preceding paragraph, and in the case of domain names that are not legitimately claimed, DNS.PT 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 arrangements set forth in the present Rules and the legislation in force.

Article 37

Responsibility of DNS.PT

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

ARBITRATION

Article 38

Institutionalised Voluntary Arbitration

1. In the case of dispute over domain names, the registrants of these can agree to turn to institutionalised voluntary arbitration, within the terms of the Voluntary Arbitration Law.
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, ARBITRARE - Centro de Arbitragem para a Propriedade Industrial, Nomes de Domínio, Firmas e Denominações (Arbitration Centre for Industrial Property, Domain Names, Companies and Company Names).
3. The rules set out in ARBITRARE's Arbitration Regulations and Procedural Charges and the legislation in force on the matter shall be applied to the arbitral proceeding.
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 (Associação DNS.PT), for the removal or acceptance of a domain name registration;
5. Through the present Rules, DNS.PT is bound by the jurisdiction of ARBITRARE – Centro de Arbitragem para a Propriedade Industrial, Nomes de Domínio, Firmas e Denominações (Arbitration Centre for Industrial Property, Domain Names and Company and Business Names) for the composition of all and any litigation whose object is matters regarding domain names.

Article 39

Injunction

1. In the arbitration proceeding, 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 is notified to DNS.PT, which will suspend the domain name indicating the reasons, until the final decision of the arbitration proceedings.

Article 40

Institutionalised Voluntary Arbitration Criteria

1. In the case of the arbitral proceeding being proposed against the Registrant whose domain name is the subject of arbitration, the decision that comes to settle the present dispute 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 arbitral 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 and 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 (Associação DNS.PT), the decision that comes to settle the present disputes may consist of the latter being obliged to delete a domain name that was unduly accepted or to accept the registration of a domain name that was unduly refused.

4. 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 and the respective legitimacy of the registration, 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 as a geographical name without registration legitimacy.

CHAPTER VII

FINAL AND TRANSITORY ARRANGEMENTS

Article 41

Effective Date

1. With the exception of that provided for in article 44, the present Rules shall be applicable as from 16th June 2014.
2. The arrangements resulting from the present revision do not apply to processes which are pending at the time of it coming into effect.
3. No alteration to any point in the Rules may affect the registration of a domain carried out within the scope of the previous regulations.
4. Domains registered in the light of the previous Rules in the .net.pt; .publ.pt; .int.pt and .nome.pt hierarchies, are no longer available for registration today, and shall remain unchanged.

Article 42

Reserving Domains

DNS.PT 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 43

Evaluation

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

Article 44

Transitory rule

1. The arrangement regarding the minimum number of characters accepted for the purpose of registering a .pt domain, within sub-paragraph a) of article 11 of the present Rules, shall come into force on 1st November 2014.
2. Until the date foreseen in the previous paragraph, the provisions of sub-paragraph a) of article 11 of the .PT Domain Name Registration Rules with Legal Deposit No. 30473/12 shall be applied, which limits the minimum number of characters accepted for the purpose of registering a .pt domain to 3 characters instead of 2.

3. The conditions applicable to domain registrations identified in paragraph 1 will be disclosed at www.dns.pt at least 30 days prior to the respective commencement of the term.

Attachment

The .PT Top Level Domain's WHOIS Policy

1. Privacy Policy

1.1. Personal data processing

The WHOIS policy and .PT Top Domain personal data processing obey the provisions of the applicable legislation, namely legislation regarding personal data protection Law 67/98 of 26 October – 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 DNS.PT 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 DNS.PT, except in the following cases:

- If indications otherwise have been received from a judicial authority, within its line of duty;
- on request by ARBITRARE – Centro de Arbitragem para Resolução de Conflitos em matéria de Propriedade Industrial, Nomes de Domínio e Firmas e Denominações (Arbitration Centre for the Resolution of Disputes concerning Industrial Property, Domain Names, Companies and Company Names), chapter VI;
- 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 DNS.PT in writing of that 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 undertakes to immediately inform DNS.PT, 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 33 of the Domain Registration Rules](#))

1.2. Information collected for internal use

The following personal data will be collected for DNS.PT's internal use (except if it is also 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

The applicable international regulations regarding the management of TLDs, as well as the principles of transparency and advertising to which the DNS.PT's operation is subject, require that this entity provides a WHOIS search function that enables the user to write a .PT domain name and thereby obtain technical and administrative information on it. 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 website 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 24 of the .PT Domain Registration Rules](#), 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 shall 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	focon.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@focon.pt
Entidade Gestora	Fundação para a Computação Científica Nacional secretaria@focon.pt
Responsável Técnico	Joao Nuno Urbano Ferreira ferreira@focon.pt
Informação do Nameserver	focon.pt NS ns01.focon.pt. focon.pt NS ns02.focon.pt. ns01.focon.pt. A 193.136.192.40 ns02.focon.pt. A 193.136.2.228 ns01.focon.pt. AAAA 2001:690:a00:4001::200 ns02.focon.pt. AAAA 2001:690:a80:4001::200 focon.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 DNS. PT, DNS.PT 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 or 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 DNS.PT's scope of responsibility (for example .com) are automatically excluded. In such cases, the Whois service responds indicating an invalid search, without carrying out any further search.