

Summary of domain name provisions in the Act on Electronic Communications Services (917/2014)

NB: Unofficial translation

PART I GENERAL PROVISIONS

Chapter 1

Objectives of the Act and Definitions

Section 3

Definitions

For the purposes of this Act:

[...]

21) *protected name* or *trademark* means a name or trademark that has been entered into the trade register or into the registers of trademarks, associations, foundations, or political parties; or an established name, a secondary mark or trademark referred to in the Business Names Act (128/1979) or Trademarks Act (7/1964); or a name of a public body, unincorporated state enterprise, independent public corporation, public association, or diplomatic mission of a foreign State or its bodies;

35) *domain name* means second-level address information on the Internet under the national country code Top Level Domain .fi or the region code Top Level Domain .ax consisting of letters, digits or other characters or their combination in the form of a name;

[...]

28) *information security* means the administrative and technical measures taken to ensure that data are only accessible by those who are entitled to use it, that data can only be modified by those who are entitled to do so, and that data and information systems can be used by those who are entitled to use them;

[...]

PART VII SPECIAL PROVISIONS APPLICABLE TO ELECTRONIC SERVICES

Chapter 21

Domain Names

Section 163

Scope of application

This Chapter applies to Internet domain names that end with the national country code Top Level Domain of Finland (*country code fi*) or with the region code Top Level Domain of Åland (*region code ax*) as well as to domain name administration and provision of domain names.

The provisions in this Chapter regarding the domain name register maintained by Ficora shall also apply to the register of domain names ending with region codes ax.

Section 164

Finnish Communications Regulatory Authority domain name activities and provision of domain names

For the purpose of domain name application and for other general use, Ficora shall keep a public register of domain names ending with the fi-code (*domain name register*) and a database of the technical data of domain names for directing Internet traffic (fi-root).

Only an operator who has made a domain name registration referred to in Section 165 (*domain name registrar*) may make entries in the domain name register. Ficora may register single-character and other domain names for domain name administration purposes free of charge. Ficora may add entries to the domain name register that are necessary to achieve the objectives of this Act.

A domain name may be registered for a legal person, a business operator or other association or a natural person (*domain name holder*).

Section 165

Domain name registrar's duty to notify

A domain name registrar shall submit a written notification to the authority in charge of domain names before launching its operations. The notification shall include the service provider's identification, the email address used for hearings and service of notices as well as other information relevant for supervision.

The domain name registrar shall notify Ficora in writing of any changes in the service provider information in the domain name application. A domain name registrar shall in-

form Ficora and its customers two weeks in advance of terminating operations. Ficora shall notify customers without delay about a prohibition decision made pursuant to section 171(2).

Ficora may issue further regulations on the notification and its content.

Section 166

Form and content of a domain name

A domain name shall include at least two but no more than 63 characters.

At the time of registration, a domain name shall not be:

- 1) based on a protected name or trademark owned by another party, unless the domain name holder can present a good, acceptable reason for registering the domain name; or
- 2) similar to a protected name or trademark owned by another party, if the clear intent of registering the domain name is to benefit from it or to cause damage.

Ficora may issue further regulations on the technical specifications necessary for a functional domain name, such as form, length and permissible characters.

Section 167

Entering data in the domain name register and publishing information

A domain name shall be registered in the domain name holder's name. The domain name registrar shall enter in the domain name register the domain name holder's correct, up-to-date and identifying information as well as the email address to be used for hearing and service of notices.

Ficora may publish information on the domain name register on its Internet pages. The domain name and holder's name of natural persons may be published on the Internet. The provisions of section 16 of the Act on the Openness of Government Activities shall apply to access to register information.

The domain name shall be valid for no more than five years at a time. A domain name holder may renew the name for a maximum period of five years at a time.

Ficora may issue further regulations on the technical implementation of registration and the information to be submitted.

Section 168

Transfer of a domain name and switch of domain name registrars

A domain name may be transferred to another party during its validity period. A domain name registrar shall transfer the domain name within reasonable time from receiving the request. If the transfer is not made within a reasonable time, Ficora shall transfer the domain name. An application for a transfer shall not be processed, if a decision on revocation or termination of a domain name is pending with Ficora.

Ficora may return a domain name to its original holder if the domain name was transferred without the holders's consent and the holder requests a correction of the entry, and the recipient of the transfer does not present an acceptable reason for the transfer within a set period.

A domain name holder may switch domain name registrars while a domain name is valid. The domain name registrar shall take the measures required to make this switch within a reasonable time from receiving the request. If the transfer to another domain name registrar is not made within a reasonable time, Ficora shall transfer the domain name.

Ficora may issue further regulations on the technical implementation and time periods for transfers and switching domain name registrars.

Section 169

Removal of a domain name entry

Ficora may remove a domain name from the domain name register and the root fi if the information referred to in subsection section 167(1) is in essential parts insufficient or defective, and the domain name holder has not, regardless of a request, corrected or complemented the data.

Ficora will remove a domain name from the domain name register and root fi without consulting the holder if the domain name validity period has expired.

If a holder of a right referred to in section 166(2) asks for revocation of a domain name, Ficora may remove a domain name that was entered in violation of the provisions of this Act from the domain name register and the root fi and register it in the name of the holder of the right.

Ficora may remove a domain name for a maximum period of one year from the root fi without consulting the holder, if the domain name holder has applied for several domain names that are derivatives of a protected name or trademark and the holder of the protected name or trademark requests the revocation of the domain name.

A terminated domain name will become available for registration after one month from revocation.

Ficora may remove a domain name, if a court of law has issued a res judicata decision forbidding its use.

Section 170

Other obligations of the domain name registrar

A domain name registrar shall:

- 1) prior to registering a domain name, provide the data related to content and form of the domain name in accordance with this Act;
- 2) keep the data in the domain name register up-to-date;
- 3) be able to enter data in the domain name register using the technical systems prescribed by Ficora;
- 4) sufficiently and effectively notify the domain name holder of the domain name's expiry date;
- 5) remove a domain name from the domain name register upon request by a domain name holder prior to its expiry date;
- 6) ensure the information security of its operations;
- 7) notify Ficora without undue delay of significant violations of information security in its domain name services and of any information security threats to or interruption of such services. A domain name registrar shall also make a notification of the estimated duration and consequences of information security violations or threats of such violations, and of measures undertaken to prevent the reoccurrence of such violations.

Ficora may issue further regulations on the information to be provided to a domain name holder, information security of operations, whether a violation referred to in subsection 1(7) is significant and the content, form and delivery of a notification.

Section 171

Organising domain name administration

Ficora shall:

- 1) manage the country code fi;
- 2) maintain and develop the fi-code domain name system;
- 3) be responsible for data transfer connections between name servers of the root fi and for interconnection traffic to the Internet;
- 4) supervise the operations of domain name registrars;
- 5) be responsible for the information security of the root fi;
- 6) at request provide certificates and extracts from the domain name register.

Ficora may issue a note to a domain name registrar that essentially or repeatedly violates

this Act or rules, orders or decisions issued by virtue of it. Ficora may issue a decision obliging the registrar to remedy the defect or neglect within a reasonable time period. If the registrar does not remedy the defect or neglect within the set time period, Ficora may forbid the domain name registrar from entering domain names or changes related to them in the domain name register for a maximum period of one year.

Section 172

Ensuring domain name information security

Ficora has the right to undertake the necessary measures in order to detect, prevent, investigate and commit to pre-trial investigation any significant information security violations aimed at public communications networks or services using .fi code domain names or their holders. Ficora may undertake these measures without consulting the domain name holder.

The necessary measures referred to in subsection 1 above may be actions targeted at root fi name server data and may include the following:

- 1) prevent and restrict traffic to the domain name;
- 2) reroute traffic to the domain name to another domain name address; and
- 3) any other comparable technical measures in the meaning of subsections 1–2.

Any measures referred to in this section shall be implemented with care, and they shall be commensurate with the seriousness of the information security violation being combated. Such measures shall not limit freedom of speech, the confidentiality of a message or the protection of privacy any more than is necessary for the purpose of safeguarding the goals referred to in subsection 1. Such measures shall be discontinued if the conditions for them specified in this section no longer exist.

PART XI
**AUTHORITY FEES AND
COMPENSATION**

Chapter 36

Authority Fees

Section 295

Domain name fee

A registrar shall pay Ficora a domain name fee for entering a domain name into the domain name register and for renewing the entry. An application for entry into the register shall include an account of paying the fee.

Provisions on the amount of the fee are laid down in the Act on Criteria for Charges Payable to the State.

PART XII
ACTIVITIES OF AUTHORITIES

Chapter 39

Procedure and Consultation

Section 312

Electronic notification

With the consent of the concerned party, a notification of a matter falling within the competence of Ficora may be processed and a decision submitted by email. The decision or some other document relating to the matter is deemed to have been notified when the concerned party has sent a confirmation email to Ficora that the message has been read. If a document need not be supplied verifiably according to the law, the document is deemed to have been received on the third day from sending the message, unless provided otherwise.

Documents or decisions related to domain names may in any case be issued by email to the address provided to Ficora by the party concerned or by the registrar representing the party, in which case the decision or other document is deemed to have been received on the third day from sending the message, unless provided otherwise.

If a party to an administrative matter referred to in this Act or a registrar representing the party has delivered Ficora contact data that are in essential parts insufficient or defective, or has failed to give all essential contact data and these data have not been corrected or complemented later, and, therefore, a document or a decision relating to the matter can only be

notified as a public notice referred to in section 62 of the Administrative Procedure Act, Ficora may also notify the decision through a notification on its website.

A decision or another document is deemed to have been notified one month after publishing the notification. The notification shall include the date of publishing and the date on which the decision will be deemed to have been notified.

Chapter 43

Appeals

Section 343

Appeals to the Market Court

An appeal against a decision by Ficora pursuant to Chapter 21, sections 295 and (312)(2) and (3) shall be made with the Market Court. In its decision, Ficora may decide that the decision shall be complied with regardless of any appeal, unless decided otherwise by the Market Court.

The provisions of the Act on Court Proceedings in the Market Court apply to the handling of an appeal referred to in subsection 1 in the Market Court.

Ficora has the right to file an appeal against a decision of the Market Court.

PART XIII

OTHER PROVISIONS

Chapter 45

Entry into Force

Section 351

Entry into force

This Act enters into force on the 1st of January 2014.

This Act repeals the:

- 1) Act on Television and Radio Operations (744/1998);
- 2) Act on Radio Frequencies and Telecommunications Equipment (1015/2001);
- 3) Act on the Prohibition of Certain Decoding Systems (1117/2001);
- 4) Act on Provision of Information Society Services (458/2002);

5) Domain Name Act (228/2003);

- 6) Communications Market Act (393/2003);
- 7) Act on the Protection of Privacy in Electronic Communications (516/2004);
- 8) Act on Auctioning Certain Radio Frequencies (462/2009).

Chapter 15 and section 135 of this Act enter into force on 1 July 2015.

The Domain Name Act is applied until 4 September 2016. Chapter 21 on domain names, sections 295 and 312(2) and (3) of this Act on parties representing a registrar enter into force on 5 September 2016.

Section 201 of this Act is in force until 1 July 2015.

Section 227(1)(2-3) of this Act are in force until 31 December 2016.

Section 288(1)(3) of this Act enters into force on 1 January 2024.

Section 304(2) of this Act is in force until 30 June 2022.

Section 43(3 and 4) of the Communications Market Act applies until 31 December 2015.
