

## PREAMBLE

Associação DNS.PT, hereinafter DNS.PT, is the entity responsible for the management, registration and maintenance of the ccTLD.pt. The ccTLD.PT was technically and administratively delegated to Fundação para a Computação Científica Nacional, hereinafter FCCN, at the end of the 80s. On 9 May 2013, Associação DNS.PT succeeded FCCN in the rights and obligations pursued by the latter until then in the context of the delegation by IANA – *Internet Assigned Numbers Authority* on 30 June 1988 (RFC 1032, 1033, 1034 and 1591) and, in particular, in its responsibility for the management, registration and maintenance of domains under the .pt ccTLD (*country code Top-Level Domain*), the top-level domain corresponding to Portugal, as per the legislative decision contained in Decree-Law No. 55/2013 of 17 April.

Associação DNS.PT is a private not-for-profit association and its members are currently FCT, IP - Fundação para a Ciência e a Tecnologia, IP (FCT), Associação da Economia Digital (ACEPI) and Associação Portuguesa para a Defesa do Consumidor (DECO).

The object of the Association is the management, operation and maintenance of the registration of the top-level domain corresponding to Portugal, .pt, abiding, to this end, by the law, the principles of transparency and publicity, its Articles of Association and the best applicable technical, administrative and strategic national and international recommendations. In addition to this comprehensive mission, the Association is entrusted with other more operational duties, among which the following should be highlighted: the technical and administrative management of .pt with high standards of effectiveness, transparency and publicity; ensuring implementation of an out-of-court dispute resolution procedure through ARBITRARE - Centro de Arbitragem para a Propriedade Industrial, Nomes de Domínio, Firmas e Denominações (the Arbitration Centre for Industrial Property, Domain Names, Corporate Names and Denominations), as a specialist Centre qualified to resolve disputes concerning domain names, ([www.arbitrare.pt](http://www.arbitrare.pt)); acting in accordance with best international practices in respect of the stability, security and resilience of the DNS service; and maintaining certification under the ISO9001 standard.

Only domains directly registered under .pt or the classifier domains .org.pt, .edu.pt, .com.pt and .gov.pt shall be deemed official .pt domains. Since 1 January 2005, it has been permitted to register domain names with special characters of the Portuguese alphabet, in line with international recommendations in the sense of multilingual use of the Internet.

Internationally, DNS.PT continues to actively participate, as both a member and a participant, in meetings and working groups of organisations accredited within the context of the Internet, such as ICANN – *Internet Corporation for Assigned Names and Numbers* and CENTR – *Council of European National Top-Level Domain Registries*.

In addition to what is contemplated in its Articles of Association and in recommendations issued by the aforementioned entities, the technical and administrative management of .pt must include:

- accurate configuration and operation of the primary server of the DNS pt zone, as well as of the other authoritative servers;
- maintenance of a database of registered domains, accessible via the Internet;
- supply of statistical data on the registration of .pt domains;
- operation of an autonomous unit with functions of consultation, support and participation in the definition of the development strategy of DNS.PT's object, whose composition and duties are described in article 9 of Associação DNS.PT's Articles of Association.

DNS.PT is further committed to promoting partnerships with entities on an ongoing basis, with a view to streamlining the domain registration management, by acting as registrar, with proprietary rights and duties and eased rules of access.

Finally, one of the missions of DNS.PT, clearly stated in its Articles of Association, is to develop work addressed to the domestic Internet community, pursuant to the wording of article 2(2)(m), combined with article 7(1)(h). In this sense, RFC 1591 states: "(...) *These designated authorities are trustees for the delegated domain, and have a duty to serve the community.*"

Upon adoption of Regulation (EU) 2016/679 of the European Parliament and the Council of 27 April 2016, on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, the GDPR, it has become necessary to adjust the wording of the Rules on .PT Domain Name Registration in effect.

Accordingly, articles 5(a) and 5(b), 6, 7(2) and 7(3), 25, 31(1), 34(d), 35 and 38(2) and 38(3) have been amended. A new article 39 has been inserted, causing the amendments to the former articles 37(2), 38(6), 41(1) and 41(2) and 44 to be currently reflected in articles 40(2), 41(6), 44(1) and 44(2) and 47. The Schedule "WHOIS' Policy on the .PT top-level domain" has also been amended.

## CHAPTER I CONDITIONS FOR REGISTRATION OF .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](http://www.dns.pt);
- b) Register directly at [www.dns.pt](http://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 26.
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 33 and 34 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**

### **Persons responsible for the domain**

The following contact details shall be associated with the registration of a domain:

- a) Registrant - the natural person or legal entity that will act as registrant. He/she/it shall be responsible for choosing the domain name, being fully responsible therefor. The registrant may designate an entity to manage the registration/maintenance process or elect to perform these tasks him/her/itself, ensuring the registration of the online user.
- b) Registrar - the entity responsible for managing the domain registration/maintenance process, which will act as processor, as contemplated in the GDPR. Accordingly, it shall supply and ensure the currentness of data supplied upon registration, for both administrative/financial matters and technical matters, DNS.PT having no liability whatsoever for any difficulties in contacting these persons as a result of such data being outdated or inaccurate. The registrar may be an entity with registrar status with DNS.PT, as per the list available at [www.dns.pt](http://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

### Processing of personal data

1. The personal data of the persons responsible for the domain shall be processed for the purposes of management, registration and maintenance of domain names registered under .pt.
2. The personal data processed necessary for the purposes of performing the agreement that regulates the registration and maintenance of a .pt domain are:
  - a) name;
  - b) address;
  - c) country;
  - d) email;
  - e) telephone number;
  - f) taxpayer identification number;
  - g) NIB/IBAN.
3. The personal data of the persons responsible for the domain shall be collected directly by DNS.PT or by the registrar , within the meaning of article 5(b) or, further, by any entity subcontracted by the latter.
4. DNS.PT will act as data controller as provided for in the GDPR.
5. The persons responsible for the domain may request to exercise their right to restrict or object to the processing, as well as to the portability of their personal data, in the cases stated in the law, to which end they must notify DNS.PT in writing.
6. If a person responsible for the domain considers that the processing of his/her personal data breaches the applicable data protection legislation, he/she may submit a complaint to the Portuguese supervisory authority, the Comissão Nacional de Proteção de Dados Pessoais ([www.cnpd.pt](http://www.cnpd.pt)).

## Article 7

### Contact details 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 must preferably be contacted by email, to [request@dns.pt](mailto:request@dns.pt), or, alternatively, by fax, to fax no. 211 312 720, by telephone (toll-free number), to telephone no. 808 20 10 39 (operating hours –Monday to Friday from 08:00 to 20:00, Saturdays and Sundays from 09:00 to 18:00), or by post (DNS.PT, Apartado 12050, 1061-001 Lisbon).
3. Any questions on the processing of personal data must be addressed to the domain name manager and/or to the Data Protection Officer appointed by DNS.PT, using the email address [epd@dns.pt](mailto:epd@dns.pt), or directly to the email [rgpd@dns.pt](mailto:rgpd@dns.pt).

## **Article 8**

### **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 23, the channels mentioned therein should be used or, if this reference is missing, those indicated in paragraph 2 of article 7.

## **Article 9**

### **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 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 10**

### **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 12;

§ *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 standard<sup>1</sup>;*
- b) *The name of a country or territory listed in the ISO 3166-1 standard<sup>2</sup>;*
- c) *The name of a country or territory recognised by UNESCO<sup>3</sup>;*
- d) *The name of a Portuguese city, civil parish, municipality, administrative region or demarcated area;<sup>4</sup>*
- 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.

---

<sup>1</sup> List available at: [http://www.iso.org/iso/iso-3166-1\\_decoding\\_table.html](http://www.iso.org/iso/iso-3166-1_decoding_table.html)

<sup>2</sup> List available at: [http://www.iso.org/iso/iso-3166-1\\_decoding\\_table.html](http://www.iso.org/iso/iso-3166-1_decoding_table.html)

<sup>3</sup> List available at: <http://www.unesco.org/new/en/unesco/worldwide>

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

## **SECTION II**

### **REGISTERING DOMAINS UNDER .PT**

#### **Article 11**

##### **Legitimacy**

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

#### **Article 12**

##### **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 9;
- 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, 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 13**

##### **Legitimacy**

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



#### **Article 14**

##### **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 15**

##### **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](http://www.ceger.gov.pt) whilst applying, in addition, the provisions of the present Rules.

### **SECTION IV**

#### **REGISTERING DOMAINS UNDER .ORG.PT**

#### **Article 16**

##### **Legitimacy**

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

#### **Article 17**

##### **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 18**

##### **Legitimacy**

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

#### **Article 19**

##### **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 20 Legitimacy**

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

### **Article 21 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 9 and 10.

## **SECTION VII OTHER TYPES OF REGISTRATION**

### **Article 22 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 23 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 24**

#### **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 have 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 25**

#### **Processing of data in the WHOIS directory**

1. The WHOIS directory makes it possible to identify data associated with the registration and technical maintenance of a .pt domain, thus contributing to the security, stability and resilience of the Internet.
2. The processing of personal data in the context of WHOIS shall comply with the legislation on the protection of personal data, as well as the other applicable legislation.
3. The processing of data within WHOIS shall abide by the proceedings attached to these rules under the heading "WHOIS' policy on the .PT top-level domain".
4. The domain name and its respective dates of creation and expiry, its status and the name, address and email address of the registrant and the registrar shall be disclosed in WHOIS.
5. Without prejudice to the preceding number, only personal data for which the relevant consent has been obtained pursuant to the GDPR shall be disclosed in WHOIS.
6. Data subjects of data disclosed in the WHOIS service have the right to access and rectify such data, being responsible for ensuring their accuracy and currentness.

7. Data subjects of data made available in WHOIS may, at any time, withdraw their consent to the disclosure of their personal data, to which end they must notify their intention to DNS.PT in writing or do so directly in their reserved area online.

#### **Article 26**

##### **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](http://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 27**

##### **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](http://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 28**

### **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 29**

### **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 30**

### **Refund of Amounts Paid**

Whenever immediate removal of a domain name registration takes place, within the scope of article 23, 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**

### **AMENDMENTS**

## **Article 31**

### **Procedure**

1. The persons responsible for the domain shall have the right to access, update and rectify their respective data using the access credentials assigned upon registration and making the desired changes online, which shall be processed as diligently and as quickly as possible.
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 32**

#### **Changing the Domain Name**

After registering a domain name, it cannot be altered.

## **CHAPTER IV**

### **REMOVALS**

#### **Article 33**

##### **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 34**

##### **Removal by DNS.PT**

A domain shall be removed by DNS.PT upon it becoming aware of any of the following circumstances:

- 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 5 of article 23;
- d) Any insufficiency and/or inaccuracy of any data supplied, resulting, *inter alia*, in the impossibility of contacting the persons 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 33.

### **Article 35**

#### **Erasure and storage of personal data**

1. The persons responsible for the domain may request the erasure of their personal data as provided for in the GDPR, *inter alia*, when the purpose for which they were collected and processed is concluded, to which end they must notify DNS.PT in writing.
2. DNS.PT shall erase the personal data of the persons responsible for the domain in the business support database upon conclusion of the purpose for which they were collected and processed, save where a different retention period results from the law, any specific regulation or any order by a competent court or administrative authority.
3. Without prejudice to the preceding number, the data referred to in article 6(2) shall be migrated to a database subject to strict technical and organisational measures intended to ensure, *inter alia*, the principle of data minimisation and limitation of access, for historical archiving, statistical and/or research purposes.

### **Article 36**

#### **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 5 of article 23, removal is immediate, without the term set out in paragraph 1.

### **Article 37**

#### **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](http://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 LIABILITY**

### **Article 38**

#### **Liability of the 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. Personal data supplied by the registrant shall be accurate and current, the registrant undertaking to diligently notify any change thereto to the registrar or directly to DNS.PT.
3. Any failure to comply with the provisions of the preceding number may entail removal of the domain name, pursuant to and for the purposes laid down in article 34(d) of these Rules.
4. 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 39**

#### **Liability of the Registrar**

1. The registrar shall act as processor, within the meaning of the GDPR, given that it processes personal data collected exclusively in the context of registration, maintenance and removal of a .pt domain in the name and on behalf of DNS.PT, having the responsibilities set forth in the GDPR and, in the specific case of registrars, in the Protocol supporting the grant of such Status.
2. The registrar shall, *inter alia*, be responsible for clearly, objectively and explicitly informing the data subject of:
  - a) the purpose and legal ground for the processing of his/her personal data, as well as the categories of data processed and corresponding retention periods;
  - b) the fact that his/her personal data are processed in the name and on behalf of .PT.



## **Article 40**

### **Liability 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. Pursuant to the preceding number, DNS.PT shall act as controller, within the meaning of the GDPR, given that it is the entity that determines the purposes and means of the processing of personal data collected in the context of registration, maintenance and removal of a .pt domain.
3. 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 41**

##### **Voluntary Institutional 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.

6. When requested, the personal data of the persons responsible for the domain may be disclosed or transferred to ARBITRARE - Centro de Arbitragem para a Propriedade Industrial, Nomes de Domínio, Firmas e Denominações, court authorities or other entities legally competent to this end.

#### **Article 42**

##### **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 emend, 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 43**

##### **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 TRANSITIONAL PROVISIONS**

### **Article 44 Effective date**

1. These Rules shall apply from 25 May 2018.
2. The provisions resulting from this review shall apply to registrations preceding its effective date, solely pursuant to the GDPR.
3. 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 45 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 46 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 47 Transitional provision**

With regard to registrations of domains in any.pt hierarchy effected before 25 May 2018, the declarations of consent required to disclose personal data in WHOIS shall be requested as soon as possible.

## SCHEDULE

### WHOIS' POLICY ON THE .PT TOP-LEVEL DOMAIN

#### 1. Privacy Policy

##### 1.1. Processing of personal data

WHOIS is a widely used consultation/response TCP - Transmission Control Protocol that provides information on registration data of domain names on the Internet. ccTLD .PT has offered the WHOIS service since 2000, in strict compliance with the applicable legal provisions. Generally speaking, it is a free public directory that makes it possible to identify the data associated with the registration and technical maintenance of a domain name.

The legislative harmonisation between Member States in respect of the protection of personal data in the European Union, reflected, *inter alia*, in the adoption of Regulation (EU) 2016/679 of the European Parliament and the Council of 27 April, on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) from 25 May 2018, will enhance the level of protection of data subjects' rights, posing major challenges to organisations in terms of its materialisation and implementation.

One of the major challenges posed by the GDPR relates to the need to ensure the conformity of WHOIS with the new legal framework, simultaneously ensuring best practices in terms of the management of TLDs – Top-Level Domains – that, supported on the principles of transparency and publicity, foster confidence in the Internet among all stakeholders, offering, *inter alia*:

- access to accurate, reliable and current registration data;
- contact details of domain registrants and registrars;
- access to non-public personal data by court authorities, ARBITRARE - Centro de Arbitragem para a Propriedade Industrial, Nomes de Domínio, Firmas e Denominações (the Arbitration Centre for Industrial Property, Domain Names, Corporate Names and Denominations) - and by any entity to which the law assigns powers in respect of criminal investigation or whose mission is to oversee or ensure compliance with the legislation applicable, in particular, to the protection of consumer rights, intellectual property, communications, security, public health and trade practices in general.

Achieving the right balance between safeguarding the core foundations of WHOIS, such as, by way of illustration, the principles of proportionality, transparency, quality and minimisation in the context of processing of personal data and the defence of the fundamental rights and freedoms of natural persons in respect of the processing of personal data, is, therefore, a major



concern of States and organisations in general, but also, in particular, of those responsible for managing top-level domains such as .PT.

In this context, taking into account the provisions of the General Data Protection Regulation, the recommendations issued by organisations such as CENTR – Council of European National Top-Level Domain Registries, ICANN – Internet Corporation for Assigned Names and Numbers and RIPE – Network Coordination Center, as well as the models adopted by various reference peers, from 25 May the making available of personal data in the .PT WHOIS service will be based on the informed, free and cognisant consent explicitly expressed by the relevant data subjects, governed by the following principles:

I. Following registration of a .PT domain, the following data shall be disclosed in WHOIS:

Fig. 1.

### WHOIS DATA LIST (.PT WHOIS POLICY ATTACHMENT)

	PUBLIC DATA	DATA NOT AVAILABLE
<b>DOMAIN</b>		
Domain Name	<input checked="" type="radio"/>	
Creation Data	<input checked="" type="radio"/>	
Expiration Date	<input checked="" type="radio"/>	
Status	<input checked="" type="radio"/>	
<b>REGISTRANT/OWNER</b>		
<b>NAME</b>		
If legal person	<input checked="" type="radio"/>	
If natural <b>with</b> consent	<input checked="" type="radio"/>	
If natural <b>without</b> consent		<input checked="" type="radio"/>
<b>ADDRESS</b>		
If legal person	<input checked="" type="radio"/>	
If natural <b>with</b> consent	<input checked="" type="radio"/>	
If natural <b>without</b> consent		<input checked="" type="radio"/>
<b>EMAIL</b>		
If legal person	<input checked="" type="radio"/>	
If natural <b>with</b> consent	<input checked="" type="radio"/>	
* If natural <b>without</b> consent		<input checked="" type="radio"/>
<b>REGISTRAR/MANAGING ENTITY</b>		
<b>NAME</b>		
If legal person	<input checked="" type="radio"/>	
If natural <b>with</b> consent	<input checked="" type="radio"/>	
If natural <b>without</b> consent		<input checked="" type="radio"/>
<b>EMAIL</b>		
If legal person	<input checked="" type="radio"/>	
If natural <b>with</b> consent	<input checked="" type="radio"/>	
* If natural <b>without</b> consent		<input checked="" type="radio"/>
<b>NAMESERVER INFORMATION</b>		
	<input checked="" type="radio"/>	

\* An appropriately anonymized contact option will always be available

**NOTA:** as of May 25, the information regarding the technical responsible for the domain name will no longer be available.

- II. With regard to data collected, the personal data of contact persons associated with the domain names shall not be disclosed, unless they express their free, specific, informed and explicit consent to this end, consenting that their personal data be publicly disclosed through the WHOIS protocol, at whois.dns.pt and through the web, such as at www.dns.pt.
- III. Upon registration of a domain name, a declaration of consent shall be made available, which may be signed by the data subject, to which end he/she should follow the instructions given upon registration of the relevant domain.
- IV. The data subject may withdraw his/her consent at any time, accessing his/her reserved area online. The data subject may also, at any time and if applicable, elect to express his/her consent to the publication of his/her personal data by following the same procedure.
- V. For domains submitted and managed by accredited registrars, these entities shall be responsible, pursuant to and for the purposes of the protocol entered into with .PT, for obtaining, exhibiting and supplying, upon request, the declaration of consent subscribed by the data subject.
- VI. Should the data subject not give his/her consent, an anonymised contact option, intended for general contact purposes and possible breaches or abuse, will be offered in the web version available at www.dns.pt. .PT will not intervene in this process, having no access to the communications, or their content, effected in this way;
- VII. Only data of validly registered domain names shall be presented.
- VIII. For registrations effected before 25 May, .PT shall endeavour to obtain the consent of the data subject for disclosure of his/her data in WHOIS. Data for which no consent has been obtained shall not be disclosed.
- IX. Court authorities, ARBITRARE, entities to which the law assigns powers in respect of criminal investigation or whose mission is to oversee or ensure compliance with the legislation applicable, in particular, to the protection of consumer rights, intellectual property, communications, security, public health and trade practices in general may request access to personal data not accessible to the public through WHOIS, by means of a notice addressed to .PT.

## **2. Search functionality of WHOIS**

### **2.1. Introduction**

International rules applicable to the management of TLDs, as well as the principles of transparency and publicity applicable to the operation of DNS.PT, require the latter to offer a search functionality in WHOIS that enables its user, upon writing a .PT domain name, to obtain technical and administrative information, which must be reliable and current, thereon. When a Domain Name is registered, the information related to such registration shall be included in a WHOIS database.

## **2.2. Purpose**

To make available the contacts associated with the registration of a domain under .pt. The WHOIS directory makes it possible to identify data associated with the registration and technical maintenance of a .pt domain, thus contributing to the security, stability and resilience of the Internet and, in parallel, supporting criminal investigations.

## **2.3. Prevention of improper use of the WHOIS service**

Data supplied by the WHOIS service may be accessed through WHOIS' customer tools, command line or a web environment-based functionality.

In order to prevent improper use of the WHOIS service made available, .PT shall ensure the following steps:

- a) searches shall be limited to a single criterion, the domain; accordingly, searches by, for instance, name, email address, address or fax or telephone number shall not be possible;
- b) no abusive use of the WHOIS service, on the basis of the volume of consultations by origin (IP address) shall be permitted;
- c) data shall be kept on all consultations of WHOIS, with a view to making it possible to detect and act in any instances of excessive use;
- d) abusive use of the WHOIS service means a maximum of 1,000 consultations within a daily period of 24 hours, by origin (IP address);
- e) in the event of excessive use, the WHOIS service may be suspended for the origin IP address through which the abusive use occurred;
- f) such suspension shall be extended by an additional 24-hour period for each successive instance;
- g) consultations of domains outside the scope of .PT's powers (for instance, .com) shall be automatically excluded. In these cases, the WHOIS will reply by stating "invalid search", without making any additional search.

This Policy may be reviewed at any time in the light of the applicable legislation, as well as of recommendations of any competent national or international entity, notably with regard to the possible creation of an accreditation system for natural persons or legal entities who/which should have privileged access to data not accessible to the public through WHOIS. Codes of conduct whose provisions may impact on the aforementioned principles may also be created and, accordingly, such principles may be subject to new adjustments.

Lisbon, 21 May 2018