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| Ref:         | DCP                         | Version: | 1.2 |
| Title:       | Dispute & Complaint Process |          |     |
| Date Issued: | 1 April 2008                |          |     |
| Status:      | CURRENT                     |          |     |

*This policy is issued by Domain Name Commission Limited (DNC or Domain Name Commission) on behalf of [InternetNZ](#), Internet New Zealand Incorporated.*

## **DISPUTE AND COMPLAINT PROCESS**

### **1. Statement of Purpose**

- 1.1 This document complements "Roles and Responsibilities" ("[RAR](#)") and relates also to "Investigation and Inquiry Process" ("[IIP](#)").
- 1.2 It will allow all parties to see where the Domain Name Commission ("DNC") will become involved in a complaint or dispute and what process it will employ to try to resolve the situation.

### **2. Background**

- 2.1 InternetNZ has the ultimate responsibility within New Zealand for the .nz domain name space ("DNS") and has implemented a shared registry system ("SRS") for the management of .nz domain name registrations and the operation of the DNS. InternetNZ has appointed the DNC to manage and administer the .nz domain name space on behalf of InternetNZ.
- 2.2 A SRS establishes a single register for registering domain names and associated technical and administrative information. .nz Registry Services ("NZRS") operates the register.
- 2.3 The registration of domain names and modification of information associated with that name on the register can be effected only by authorised registrars.
- 2.4 Registrars are responsible for managing their relationship with registrants. There is no communication between NZRS and registrants.

### **3. Principles**

- 3.1 NZRS is a listing service. The .nz DNS operates on a "first come, first served" basis. Any conflict between an applicant or other party and an existing registrant is up to those parties to resolve.

- 3.2 The DNC will become involved in disputes and complaints where a party believes that an agreement, or any of the .nz policies, has been breached.
- 3.3 The initial complaint should be laid within 60 days of the date that the issue arose or the incident occurred.
- 3.4 All disputes and complaints should first be directed to the relevant party, who will be given adequate time to resolve the situation. e.g. Registrant to their registrars, registrars to NZRS, NZRS to the registrar.
- 3.5 Only after this process, should the complaint not be satisfactorily resolved, should it be presented to the DNC.
- 3.6 The DNC's investigation of the complaint will be restricted to issues around the agreements and .nz policies defined and published.
- 3.7 The DNC may refer the complaint to a relevant Government Authority where the circumstances warrant this, eg: the Commerce Commission.
- 3.8 Complaints must be made either in writing to the Domain Name Commission, or by fax to +64 4 495 2115 or by email to [complaints@dnc.org.nz](mailto:complaints@dnc.org.nz). Complainants must detail the nature of the complaint and enclose any relevant documentation that supports their complaint. Use of the enclosed [Form DCP1](#) is preferred.
- 3.9 The complaint will be acknowledged within two working days of receipt. Given that the nature of complaints can vary greatly, no set time can be given for investigating them. However, best endeavours will be made to resolve each complaint as soon as practicable.
- 3.10 Complainants will be updated about progress and will also be informed about when the complaint investigation process is likely to be completed.
- 3.11 The name of the complainant will be disclosed to all parties involved in the complaint.
- 3.12 Complaints will be investigated in line with [IIP](#).
- 3.13 Outcomes may include:
  - 3.13.1 That expectations have not been met but no breach of .nz policies has occurred, or
  - 3.13.2 That a breach has occurred and an apology is called for, but the breach is not sufficient to justify a sanction, or
  - 3.13.3 That a breach has occurred and a sanction will result.
- 3.14 The DNC will not become involved when a registrant is merely dissatisfied with aspects of the service delivery of their registrar.
- 3.15 The DNC will not investigate anything regarding the use and content of any website, other non .nz services provided by an authorised registrar, (for example, web hosting service), general Internet complaints, or anything relating to a DNS that is not .nz. e.g .com, .au, etc.

- 3.16 Complaints on matters not involving the DNC can be made to relevant agencies, for example, the Commerce Commission, the Ministry of Consumer Affairs (including the Telecommunications Commissioner), or the Privacy Commissioner.
- 3.17 There is provision for the appointment of an independent person (appointed by the president or Vice President of the NZ Law Society) to resolve the dispute, with the costs to be equally shared by both parties. This provision is available only after the completion of any investigation, and the final outcome being determined.

#### **4. General Information**

- 4.1 A range of information about .nz policies, the SRS, registrant rights, and domain names in general is publicly available on the Internet. This includes:
- A list of all authorised registrars, with links to their home pages.
  - A list of second level moderators and their contact details.
  - Current policy about domain names in .nz, dispute resolution, etc.
  - Frequently asked questions.
  - Links to other relevant sites.
- 4.2 If anyone has any questions regarding this document please email [policies@dnc.org.nz](mailto:policies@dnc.org.nz).



*This form is issued by Domain Name Commission Limited (DNC or Domain Name Commission) on behalf of InternetNZ, Internet New Zealand Incorporated.*

## COMPLAINTS FORM

Please complete and send to:

Domain Name Commission Limited  
PO Box 11881  
Wellington 6142

Or email to:

[complaints@dnc.org.nz](mailto:complaints@dnc.org.nz)

Or fax to:

+64 4 495 2115

1. Contact details of complainant

Name:

Address:

Work Ph:

Fax:

Home Ph:

Mob:

Email:

2. Complaint against:

3. Nature of complaint

4. Name of person dealt with regarding complaint:

5. Their contact details:

6. Correspondence and documentation

7. Current status of complaint:

*(Please complete questions on a separate piece of paper if required)*