

**[ CICT MEMORANDUM CIRCULAR NO. 1, SERIES  
2004, August 04, 2004 ]**

**GUIDELINES IN THE ADMINISTRATION OF THE .PH DOMAIN  
NAME**

WHEREAS, the .ph domain is the ccTLD for the Philippines, a public resource administered in trust for, and in the interest of, the Internet community and the nation;

WHEREAS, the .ph Administrator, as trustee, is accountable to the Internet community;

WHEREAS, the Philippine government has public-policy authority over the .ph domain name with the duty to ensure a legal and policy environment for .ph domain name registration that fosters effective and fair conditions of competitions, that coincides with its national ICT policies;

WHEREAS, the administration and management of the .ph domain name must comply with the public-policy objectives of the Philippine Government, guided by Principles and the Best Practice Guidelines of ICANN, GAC, WIPO, ITU and other recognized international bodies, as well as by effective and meaningful communication and consultation primarily with the local Internet community, while mindful of the interests of the global Internet community; and

WHEREAS, the local Internet community must be assured of an efficient, stable, equitable and transparent administration of the .ph domain.

NOW, THEREFORE, in order to ensure that the .ph domain is administered in accordance with the foregoing, the Commission on Information and Communications Technology (CICT) hereby promulgates these guidelines drafted by the National Telecommunications Commission (NTC) assisted by the Advisory Board, after a series of public consultations and hearings, to govern the conduct of oversight functions over .ph domain name system and registration.

**Article I.  
Definition of Terms**

Alternative Dispute Resolution - means any system of resolving a dispute other than by a court litigation, and includes arbitration, mediation, conciliation and processes of administrative dispute resolution.

Country Code Top Level Domain (ccTLD) - a domain in the top level of the global domain name system, assigned according to the two-letter codes in the ISO 3166-1, Standard Codes for the Representation of Names of Countries. The .ph domain is

the ccTLD for the Philippines.

ccTLD Registry - the system on which is recorded domain names for the country code top level domain name, according to policies and rules, and following procedures, established with the local Internet community. The ccTLD Registry is administered by the ccTLD Administrator or CCTLD Manager.

ccTLD Administrator or Manager, referred to in these Guidelines as the Administrator - the duly incorporated or organized entity that manages the ccTLD Registry, which the Commission on Information and Communications Technology (CICT) has previously designated as such, and which ICANN has chosen to be the delegee for the ccTLD on behalf of the local and global Internet Community.

ccTLD Sub-domain Administrator - the duly incorporated or organized entity to which the ccTLD Administrator has delegated the responsibility of administering a sub-domain of the ccTLD (e.g., edu.ph, .gov.ph, .mil.ph). It similarly administers the sub-domain as a trustee, on behalf of the local and global Internet community.

Commission on Information and Communications Technology (CICT) - a national body, attached to the Office of the President pursuant to Executive Order 269, which shall be the primary policy, planning, coordinating, implementing, regulating, and administrative entity of the executive branch of Government that will promote, develop and regulate integrated and strategic systems, and reliable and cost-efficient communication facilities, services and resources for nation-building and global competitiveness.

Delegation - refers to the entrusting by ICANN/IANA of the responsibility for the administration of the ccTLD. The act of assignment by the ccTLD Administrator of the responsibility for the administration of a ccTLD sub-domain is also referred to as delegation.

Designation - means the authorization that is given by the CICT to the duly incorporated or organized entity it has chosen to act as ccTLD Administrator.

Delegee - means the entity to which ICANN/IANA has delegated the responsibility of administering the ccTLD as a trustee on behalf of the local and global Internet community, in accordance with the previous designation by the Philippine Government through the CICT. The Delegee also refers to the ccTLD Administrator or ccTLD Manager.

DNS - means domain name system.

DNS Records - the database of domain names maintained by the ccTLD Administrator.

Governmental Advisory Committee (GAC) - comprises representatives of national governments, multinational governmental or treaty organizations, and distinct economies as recognized in international fora. The GAC considers and provides advice on the activities of ICANN as they relate to concerns of governments, particularly matters where there may be an interaction between ICANN's policies and laws, international agreements, or public policy issues.

IANA - Internet Assigned Numbers Authority, which was incorporated into ICANN in 1999.

ICANN - Internet Corporation for Assigned Names and Numbers.

ICANN Uniform Dispute Resolution Policy (UDRP) - the policy adopted by ICANN for trademark-based domain-name disputes. It is incorporated by reference into the registration agreement in effect between the ccTLD registrar and the registrant or domain-name holder and sets forth the terms and conditions in connection with a dispute between the registrant or domain-name holder, and any party other than the registrar over the registration and use of an Internet domain name registered by the registrant or domain-name holder.

ICP-1- ICANN's Internet Coordination Policy version 1.

Internet Community - refers to the Internet industry, local or global, as the case may be, of individual or corporate users of the Internet, the government, the non-government organizations/civil society and the academe.

ITU - International Telecommunications Union.

Memorandum of Agreement or Equivalent Instrument - a written agreement that is conformed to by, and governs the relationship between, the Philippine government, represented by CICT and the designated Administrator.

National Telecommunications Commission (NTC) - the government regulatory agency attached to the Commission on Information and Communications Technology (CICT) pursuant to Executive Order No. 269 and mandated to exercise oversight functions over domain name registration and other internet related concerns.

Redelegation - means the change of entity responsible for the administration of the ccTLD Registry by ICANN, upon a duly authorized request by the Philippine Government through the CICT.

Registrant - a company, organization or individual for whom a name has been registered as a domain name in the ccTLD Registry database.

Registrar - refers to a person or entity that contracts with Registrants and with the ccTLD Administrator and collects registration data about the Registrant and submits registration information for entry in the Registry database.

Registry Data - means all data maintained in electronic form in the registry database, and shall include Zone File Data, and all data submitted by registrars also in electronic form, and all other data concerning particular registrations or nameservers maintained in electronic form in the registry database.

RFC - ICANN's Request for Comments.

Shared Registry system - the system that allows authorized registrars to directly access the register and change details as necessary.

WHOIS - a database that contains registration information about any given domain

name, including who registered it, when it was created and who to contact at that domain.

WIPO - World Intellectual Property Organization.

Zone File Data - the data on a particular second-level domain (SLD) under the PH ccTLD which include the name of the SLD and the IP addresses and the corresponding names of the primary and secondary nameserver(s) for the SLD.

## **Article II. Qualifications of the Administrator**

*SECTION 1.* The Administrator shall be a corporation organized under Philippine laws and operating in the Philippines. At least sixty (60%) per centum of its capital must be owned and controlled by Philippine citizens. No member of its board of directors/trustees must be related up to the fourth degree of consanguinity or affinity or have any interest in any Registrar or the Registrar business.

*SECTION 2.* The Administrator must be able to carry out the necessary responsibility in the management of the .ph ccTLD Registry, and do an equitable, just, honest and competent job.

*SECTION 3.* The Administrator must obtain the necessary government registrations, permits and licenses, and comply with all legal requirements for Philippine corporations.

*SECTION 4.* An administrator must have an administrative contact and a technical contact. The administrative and technical contacts must be residents of the Philippines and their contact information must be made publicly available online.

## **Article III. Designation of the Administrator**

*SECTION 1.* A duly organized and incorporated entity may only be designated as ccTLD Administrator if it meets the qualifications of Article II of these Guidelines.

*SECTION 2.* The designation and resulting relationship between the designated Administrator and the Philippine Government, as represented by the CICT, shall be documented by way of a Memorandum of Agreement (MOA) or equivalent instrument, which shall be submitted to ICANN. The MOA or equivalent instrument may also be a tripartite agreement with ICANN.

*SECTION 3.* The MOA or equivalent instrument shall make express reference to full compliance with these Guidelines and be binding upon the Administrator.

*SECTION 4.* No delegation from ICANN/IANA shall be deemed valid in the Philippines, unless the Delegee has been previously designated by the CICT.

*SECTION 5.* The MOA or equivalent instrument between the Philippine government and the Administrator shall be governed by Philippine laws.

*SECTION 6.* The Philippine Government through the CICT should take into consideration the importance of long-term stability in the administration of the ccTLD and in the DNS, in its designation of the Administrator.

#### **Article IV. Technical Competence**

*SECTION 1.* The Administrator must do a satisfactory job of operating the DNS service for the domain. Duties such as the assignment of domain names, delegation of sub-domains and operation of nameservers must be done with technical competence. Equipment used by the Administrator must reflect, as far as practicable, the state of the art prevailing in the DNS globally.

*SECTION 2.* The Administrator must be on the Internet. There must be email connectivity to the management, staff, and contacts of the Administrator. There should be published e-mail and web address contacts, updated facsimile numbers, phone numbers, mobile numbers, and office addresses, and these should be publicly and permanently accessible on the Internet.

*SECTION 3.* The ccTLD domain name service should be continuously available. At a minimum, the ccTLD Administrator must provide permanent twenty four (24) hours per day, seven (7) days per week Internet protocol (IP) connectivity to at least two (2) nameservers and the Registry servers.

*SECTION 4.* The Administrator must protect the safety and integrity of its zone file data and must make arrangements to assure continued operation of the Registry, and continued resolution of names within the .ph ccTLD's zone(s). A data escrow or mirror site policy for the Registry data managed by the Administrator shall be established. The escrow agent or mirror site should be mutually approved by the CICT and the Administrator, and should not be under the control of the Administrator.

*SECTION 5.* The primary and secondary servers must be operated and maintained in a stable and secure manner. The DNS servers must be properly functioning and able to handle peak transmission loads. The primary servers should be in the Philippines, unless authorized by CICT to be located outside of the country, while secondary servers may be located outside of the country. However, the NTC must have access to Registrant's contact information and the Administrator must furnish the NTC such information on a quarterly basis as well as upon request, and in such format as will be designated by them.

*SECTION 6.* The ICANN and NTC must have access to all zones on a continuing basis so that the domain can be easily checked for operational status and database accuracy.

*SECTION 7.* The Administrator must keep the ICANN and NTC advised for any changes to the information concerning the domain that is maintained in the ICANN's root registry database, and should respond to requests for information from ICANN and NTC relating to the status and technical operations of the domain in a timely manner.