

# REPUBLIC OF RWANDA



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## GUIDELINES FOR INTERNET RESOURCES MANAGEMENT AND ALLOCATION IN GENERAL AND .RW DOMAIN IN PARTICULAR

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## I. INTRODUCTION

Rwanda Utilities Regulatory Agency was established, as per the law No 39/2001 of 13 September 2001, as an independent national institution with the mandate to regulate among other things the telecommunication sector.

The law No 44/2001 of 30 September 2001 organizing telecommunications together with the Presidential Decree n° 04/01 of 15/03/2004 determining specific duties of the Regulatory Board in telecommunications matters empowers RURA to manage the scarce resources including the Internet Resources.

Internet Resources refer to IP addresses, Autonomous System Numbers and DNS. An Internet Protocol (IP) address is a numeric identifier that includes information about how to reach a network location via the Internet routing system while an Autonomous System (AS) is a group of IP networks that use a single and clearly defined routing policy. Autonomous System Numbers (ASNs) are globally unique numbers used to identify these groups of networks.

IP addresses are not easy to remember. The Domain Name System (DNS) provides names for numbered devices on the Internet. Internet applications use the DNS to translate each name to an IP address. The IP address is how the device moves information through the Internet and DNS allows people to use names instead of remembering large numbers.

Management of Internet Resources is best done on a coordinated basis. Internet numbers are a unique, limited resource. As technology evolves, changes may be needed in the number allocation system. These changes should also be coordinated.

Being coordinated at international, regional and country level, each country is required to follow the same principle in doing so. It is in this spirit that Internet Resources are allocated in a delegated, hierarchical manner to avoid fragmentation. Internet Resources are finite and the technical requirements for their use need careful management to ensure responsible consumption.

These guidelines provide for a consistent regulatory approach to critical management issues regarding Internet Resources in Rwanda.

## II. PURPOSES

The purposes of these regulations are to provide for general rules for the management of Internet Resources and specific regulations for assignment of domain name under .rw country code top level domain.

## III. DEFINITIONS

To the sense of the present regulations, one hears by:

**Country code top level domains means** the uppermost domain in the hierarchy of the global Internet domain name system according to 2-letter codes under the ISO 3166-1 standard.

“**Deegee**” means an entity/organization selected by RURA for the management of the particular Internet Resource.

“**Internet Resources**” are all globally-identified Internet names and numbers, which includes Domain name (DN), Internet address/ IP address (IPv4, IPv6), Autonomous System Number (ASN), Other names and numbers stipulated by competent international organizations on Internet resources.

“**Registered Data**” means data regarding the applicant and applicant’s enterprise required in connection with applications and notices of alterations.

“**Registrar**” means an enterprise that has made an agreement with a registry for the right to send in applications and notices of alteration to the registry on behalf of applicants for/holders of domains under the .rw country code top level domain.

“**Registry**” means an entity that by agreement with the international manager of top level domains is entitled to assign domain names under .rw country code top level domains.

“**.rw TLD Domain Complaints Board**” means a board for handling complaints regarding domain names under the country code top level domain.

“**Third party**” means an independent entity that is not part of ISPs, Telecom Operators and the Regulator.

“**Operator**” means any licensed entity that exists in Rwanda for the purpose of service provisions (Exmaple: ISPs and Telecom operators).

“**Regulator**” means the Rwanda Utilities Regulatory Agency as established by the Law No 39/2001 of 13 September 2001

## **IV. GENERAL RULES**

### **4.1 Delegation procedure**

- (1) The regulator may delegate the management and allocation of specific Internet resources to third Parties.
- (2) The regulator shall designate the deegee. In doing so, it may define the conditions to be met to exercise the delegated activity or issue a public call for offers.
- (3) The regulator shall determine any necessary arrangements for the delegation process, respecting the principles of impartiality, non-discrimination and transparency; while at the same ensuring that confidentiality of applicants' data is fully protected.

### **4.2 Form of delegation**

- (1) Delegation of the management and allocation of specific Internet Resources shall take the form of an official authorization or a contract.

- (2) Operators that are allowed to get resources such as IP Addresses and Autonomous System Numbers from international responsible bodies by their license, automatically acquire the authorization of management and sub-allocation of those resources. 5
- (3) Operators must provide the report of acquired IP addresses and Autonomous system numbers to the regulator within 30 days after the acquisition, for the purpose of statistics and for the creation of dispute resolution and further internet policy in the country.
- (4) Operators are allowed to sub-allocate the IP addresses to other ISPs or end-users, but have to provide a report to the regulator on the sub-allocated IP addresses within 15 days after the assignment.

#### **4.3 Duration of delegation**

- (1) The regulator shall deliver an official authorization or conclude a contract for a limited duration. It shall establish the duration based on the nature and the magnitude of the delegated management and allocation of Internet resources.
- (2) The regulator may renew the official authorization or contract.

#### **4.4 Internet Resources ownership**

- (1) Internet resources are public resources that should only be distributed according to demonstrated need.
- (2) Neither the management nor the assignment confers ownership of the resources. Organizations that manage and allocate the resources are considered “custodians” rather than “owners” of the resources and are not entitled to sell those resources.

#### **4.5 Transfer of essential tasks**

The essential tasks stipulated in the official authorization or contract that is signed with the delegee shall not be transferred without the agreement of the regulator.

#### **4.6 Amendment of official authorization or contract**

- (1) The regulator may amend the provisions of the official authorization or contract prior to their expiry if there is a change in circumstances or in the law and such amendment is necessary to protect overriding public interests.
- (2) The delegee shall be awarded an appropriate indemnity for any financial damages arising from such amendment of the official authorization or contract that are associated with the delegated management and allocation of Internet resources.

#### **4.7 Management and allocation of Internet resources by delegees**

- (1) Delegees shall manage certain Internet resources in a rational and efficient manner. They shall allocate those resources in a transparent and non-discriminatory manner.

- (2) The regulator may arrange in the authorization or contract for specific rules to govern management and utilization of Internet resources by delegees. 6

#### **4.8 Record of activities**

- (1) Delegees shall maintain a record of all their activities in connection with the allocation, revocation and retirement of Internet resources.
- a. Delegees shall conserve the recorded data and supporting documents for a period of ten years.

#### **4.9 Disclosure's obligation**

- (1) Delegees shall be obliged to provide the regulator with any and all information and documents that may be necessary for the execution of the present guidelines and the associated arrangements. In particular, the regulator may demand a list of the allocated Internet resources and a copy of the record of activities.
- (2) Delegees shall communicate to the regulator such information as may be necessary for the purpose of establishing official statistics, free of charge.

#### **4.10 Prices**

- (1) Delegees may freely determine the prices they charge for Internet resources management and allocation services if that market is characterized by effective competition.
- (2) The prices for certain services may be subject to approval by the regulator, particularly if there are no competing suppliers.
- (3) The regulator may fix prices or price ceilings, particularly if price levels on a given market indicate the likelihood of abusive practice.

#### **4.11 Oversight function**

- (1) The regulator shall oversee the delegees compliance with applicable laws, in particular the present guidelines and the associated arrangements, and with their official authorization or contract. It may delegate certain oversight activities to organizations under private law and collaborate with them. As a general rule, a review of the manner in which Internet resources are being managed by the delegees shall be conducted once a year.
- (2) In the event of any suspicion that a delegee is no longer complying with its obligations under the present regulations, its implementing arrangements or the applicable official authorization or contract, the regulator shall conduct an investigation. The delegee shall grant access to its premises and facilities and provide any necessary information.

- (3) If the outcome of such an investigation leads to the conclusion that the delegee fails to meet or no longer meets its obligations, the delegee shall bear the costs of the investigation.

#### **4.12 Oversight measures**

- (1) In cases where a delegee no longer meets its obligations, the regulator may:
- a) instruct the delegee to remedy the failing or take steps to prevent recurrence; the delegee shall inform the regulator of the action taken;
  - b) order the delegee to turn over to the regulator any illicitly acquired proceeds;
  - c) incorporate charges in the official authorization or contract;
  - d) restrict or suspend the official authorization or contract, or revoke the official
  - e) authorization or terminate the contract without notice, as per the Guideline 4.13.
- (2) The regulator may promulgate provisional measures as it may see fit.

#### **4.13 Termination of delegated activity**

- (1) The regulator may revoke the official authorization or terminate the contract without compensation if a delegee stops meeting the conditions for exercising the delegated activity, goes out of business, or is declared bankrupt.
- (2) The regulator may revoke the official authorization or terminate the contract, awarding the delegee an appropriate indemnity, if there is a change in circumstances or in the law and revocation or termination, respectively, is necessary to protect overriding public interests.
- (3) The regulator may delegate the management and allocation of the resources in question to a new delegee. In the absence of a candidate who meets the conditions for exercising the delegated activity, it shall revert to the regulator.
- (4) Holders' claims upon Internet resources allocated to them shall be preserved against the new delegee or the regulator.
- (5) The delegee, in the case of a bankruptcy, shall cooperate with the new delegee or the regulator and provide any assistance and technical and organizational support that may be necessary to protect the continuity and the security of the delegated resource management. In particular, they shall make available their record of activities and other data or information and the databases and technical computerized infrastructure that may be required for the purpose of continuing the delegated activity.
- (6) The delegee shall be entitled to an indemnity based on the useful value of the assistance provided. The indemnity shall be fixed by the regulator if it is requested to do so.
- (7) The delegee or the corpus, in the case of a bankruptcy, shall ensure that holders to whom they have allocated Internet resources are aware of their going out of business and of the procedures required to safeguard their claims.

#### **4.14 Personal data**

- (1) Delegees may use their customers' personal data, to the extent and for the duration necessary for the purposes of the delegated management of Internet resource, in performance of their tasks and the fulfillment of their obligations arising from the present guidelines and its implementing arrangements, and in order to obtain due payment for their services.
- (2) In general, the use of data by delegees and the oversight to which they are subject shall be governed by the Telecommunications Law on privacy and data protection and other applicable laws..

#### **4.15 Technical and administrative guidelines**

- (1) The regulator may order the delegees to make proposals for new guidelines for the management of Internet resources, or to assist with the elaboration of such guidelines.
- (2) The regulator shall promulgate guidelines for the management of communication parameters proposed by the delegees. It shall make them public.

### **V. ASSIGNMENT OF DOMAIN NAMES UNDER .RW TLD**

#### **5.1 Designation**

- (1) The .rw TLD is administered by one registry which determines rules for the assignment of domain names under the .rw country code top level domain.
- (2) The regulator defines the conditions to be met by the registry.
- (3) The regulator shall conclude an administrative-law contract with the registry.
- (4) The regulator shall designate a registry or may issue a public call for tender in order to designate the registry.
- (5) The activities of the registry shall be subject to authorization by the regulator.
- (6) The authorization shall be for a specific time period of five years. The authorization may be renewed.
- (7) The regulator may amend the provisions of the official authorization or contract prior to their expiry if there is a change in circumstances or in the law and such amendment is necessary to protect overriding public interests.
- (8) The registry shall be awarded an appropriate indemnity for any financial damages arising from such amendment of the official authorization or contract.



## 5.2 Oversight

- (1) Supervision to ensure compliance with these guidelines shall be exercised by the regulator.
- (2) If the registry fails to satisfy the requirements of these guidelines, the regulator may order it to remedy the unlawful conditions or may order operations to cease within a specified time limit.
- (3) The registry shall not transfer its activities to another entity without prior approval by the regulator.

## 5.3 Registry's Tasks

The registry's duties shall include the following:

- a) provide for installation, management and updating of the technical infrastructure required for the allocation and management of the .rw domains;
- b) provide for reliable and professional operation of the domain name system within the .rw domain in accordance with the applicable technical standards;
- c) offer services in the allocation and management of .rw domain names to Internet users;
- d) provide for installation, administration and updating of a central public database providing any interested persons with guaranteed real-time access to information about domain name holders in accordance with the Guideline 5.20;
- e) take the necessary precautions to ensure reliability, accessibility, availability, security and operability of the infrastructure mentioned in paragraphs a) and d) above;
- f) ensure that the infrastructure mentioned in paragraphs a) and d) above conforms to the state of the art and is compatible with international standards used for the domain name system; and
- g) in the context of its duties to allocate and manage .rw domains, work towards the stability of the domain name system.

## 5.4 Obligations of the registry

- (1) The registry shall employ persons possessing the professional knowledge and qualifications necessary to fulfill the duties listed within the Guideline 5.3 It shall designate a technical Point Of Contact.
- (2) The registry shall designate an administrative Point of Contact and the regulator has to give his approval prior to this designation.
- (3) The registry shall certify that it has obtained sufficient insurance coverage for its activities in the management and allocation of domain names.
- (4) The registry has to offer its services to all Internet users, excepting cases of non-payment or dubious solvency. The registry may demand deposits against the risk of non-payment or dubious solvency, such deposits to collect interest

payable at a level commensurate with a saving account. The amount of the deposit shall not exceed what is required to cover the likely risk to the registry. 10

- (5) The registry has the obligation to offer its services in the management and allocation of Internet Resources to prospective agents.

### **5.5 Approval**

- (1) The registry shall establish the general terms and conditions under which it offers its services and submit them to the regulator for its approval.
- (2) The registry may set the prices it charges for its services on the basis of costs incurred and fair profit. Prices shall be submitted to the regulator for approval.
- (3) The regulator will have ninety days from the time all necessary information has been received during which to grant or refuse approval.

### **5.6 International relations**

- (1) The registry shall conclude a contract with the body that controls domain names at the international level. The contract must be approved by the regulator prior to being signed.
- (2) The registry shall, jointly with the regulator, participate in the work of relevant forums and international bodies that deal with domain name issues and look after the interests of Rwanda.

### **5.7 Contract**

- (1) A written contract for a fixed duration of time will be concluded. The registry shall provide the regulator with the necessary information and documents.
- (2) The regulator shall be informed of any subsequent changes in the circumstances underlying the conclusion of the contract.
- (3) Requests for renewal of the contract must be submitted at least three months before contract expiry.
- (4) The regulator may terminate the contract at any time, respecting the minimum period of notice of twelve months, if this is demonstrated to be necessary because of the needs of society or of the economy, or due to the state of technology.
- (5) The regulator may reserve certain categories of names if there is an overriding public interest in doing so or if it is perceived necessary to conform to international recommendations.
- (6) Applicants who have expressed an interest in obtaining the allocation of a domain name must be informed about the existence of, and the means of gaining access to, directories listing the distinctive marks protected under Rwandan law or international conventions, or, in the absence of publicly accessible directories, the relevant legal basis.

## **5.8 Management and allocation of domain names**

- (1) The registry allocates domain names on demand, on the principle of "first come, first served".
- (2) The registry is not responsible for verifying whether applicants are entitled to use the combination of letters and numbers that make up the requested domain name. Disputes concerning private rights which other parties may hold thereto shall be governed by applicable laws.

## **5.9 Record of Activities**

- (1) The registry shall maintain a record of all their activities in connection with the allocation, revocation and retirement of Internet resources.
- (2) The registry shall conserve the recorded data and supporting documents for a period of ten years.
- (3) The registry shall provide the regulator with any and all information and documents that may be necessary for the execution of the present guidelines. In particular, the regulator may request a list of the allocated Internet resources and a copy of the record of activities.
- (4) The registry shall communicate free of charge to the regulator such information as may be necessary for the purpose of establishing official statistics.

## **5.10 Rules for assigning domain names**

- (1) Rules for the assignment of domain names under the .rw country code top level domain shall be drawn up by the registry.
- (2) The registration of domain names under the .rw country code should be restricted to entities or persons resident in the country.
- (3) The assignment rules shall be available to the general public and at a minimum shall be so designed that they:
  - a) ensure high technical quality;
  - b) are non-discriminatory;
  - c) are open to inspection;
  - d) promote predictability;
  - e) promote protection of personal data and consumer interests;
  - f) promote the interests of Internet users, individually and as a group; and
  - g) promote national interests and allow for international developments in the Internet.
- (4) Before assignment rules are adopted or altered, opinions shall be obtained from representatives of the users and from the regulator.

### **5.11 Personal affirmation**

- (1) The registry shall require applicants for registration of domain names under the .rw country code top level domain to furnish a personal statement affirming as a minimum that registration and use of the name applied for:
  - a) is not contrary to the assignment rules;
  - b) is not contrary to national law;
  - c) does not conflict with the rights of a third party; and
  - d) does not unrightfully give the impression of pertaining to public administration or the exercise of public powers.
- (2) In this personal affirmation the applicant shall grant the registry the right to recall the assigned domain name if it is obvious that the assignment was contrary to paragraph 1 above.

### **5.12 Non-payment of fees**

If a domain name owner does not pay the fees agreed to by contract with the registrar or registry, the domain name shall revert to the registry.

### **5.13 Transfer of domain names**

A domain name registered under the national .rw country code top level domain may be transferred at the request of the owner, by a will (provisions in case of death), by an administrative or judicial order, or by a decision of the domain complaints board.

### **5.14 Registrars**

- (1) The registry shall delegate parts of the registration process, including forwarding applications and alteration notices on behalf of applicants for, and holders of, domain names, to the registrars and shall promote competition between them by granting all registrars the same terms.
- (2) Fees charged by the registry to registrars shall be fair and based on costs. They shall be submitted to the regulator for approval. Abusive pricing will be sanctioned in accordance with national law.
- (3) The terms of the standard contract proposed to registrars may be reviewed by the regulator.

### **5.15 Supervision of Registry**

- (1) Fees for the registration of domain names under the .rw country code top level domain shall be fair and based on costs. They shall be submitted to the regulator for approval. Abusive pricing will be sanctioned in accordance with relevant laws.
- (2) The terms of the standard contract proposed to applicants for the registration of domain names under the .rw country code top level domain may be reviewed by the regulator in order to ensure fairness.

### **5.16 Back-up copies**

The registries shall ensure that copies are kept of all registered data, for at least five years.

### **5.17 Data privacy**

The privacy of personal information regarding domain name owners shall be safeguarded in accordance with national law.

### **5.18 Dispute resolution service**

- (1) The registry shall set up a dispute resolution service and dispute resolution procedures.
- (2) The registry shall determine its organization and procedures, which must be fair, rapid and appropriate. The rules for resolving disputes shall be based on accepted best practice (**UDRP**: Uniform Domain Names Resolution Policy).
- (3) The approval of the regulator is required for the organizational structure, the rules governing dispute resolution, the rules of procedure and the appointment of panel members.

### **5.19 Complaints procedures**

- (1) The registry shall establish a domain complaints board comprising at least three members.
- (2) The complaints boards may handle complaints:
  - a) against decisions passed by the registry on applications for assignment of a domain name;
  - b) against decisions passed by the registry under paragraph (2) of guideline 5.11 here above;
  - c) from registries that a name has been registered in contravention of a personal affirmation;
  - d) from a third party, under paragraph (1) c) of the said guideline 5.11;
  - e) from a public agency, under paragraph (1) d) of the said guideline 5.11; and
  - f) from the national regulator claiming that registration of the domain name is contrary to the rules.
- (3) Complaints under subsection e) above must be filed no later than three months after the domain name is registered.
- (4) Opinions returned by the complaints board on complaints under subsection a) above, shall be binding for the registry. Opinions returned by the board on complaints under subsections b) through f) shall be advisory.
- (5) The domain complaints board may be financed through an addition to the charge for registering the domain name and a charge payable by the complainant.

- (6) The registry shall define procedures for the complaints board in keeping with the above rules. Board decisions shall be open to the public in accordance with national law.

### **5.20 Information made available to the public**

- (1) The following information shall be included in the central public database described in guideline 5.3 d):
- a) the domain name allocated;
  - b) the full name of the holder of the domain name;
  - c) the mailing address at which the holder resides or has its principal offices, to include the street address or post office box number, location, postal code, province and country;
  - d) in cases where the holder is an artificial person, a partnership or a limited-liability company, the name of the natural persons authorized to represent it;
  - e) the electronic address of the holder;
  - f) the name, electronic address and mailing address of the technical manager, to include the street address or post office box number, location, postal code and country; and
  - g) the date of allocation of the domain name and the date of the most recent amendment of the allocation.
- (2) The registry shall take appropriate precautions to prevent misuse of the information that is made public, in particular its use for purposes of advertising or commercial campaigns.

### **5.21 Review**

The regulator shall periodically review the sole-registry system set forth above beginning with 5, with a view to confirming whether it meets the needs of society and of the business world and is appropriate given the state of technology.

### **5.22 Termination of activities**

- (1) If the registry terminates its registration activities, whether voluntarily or by order pursuant to these guidelines, or for other reasons, all registered data shall be transferred to a new registry.
- (2) The registry's duties may be taken over by the regulator until a new registry is established. In this case, the regulator shall take over the registered data free of charge and shall in turn transfer these data to the new registry free of charge.
- (3) The regulator shall decide whether operations in the interim period shall take place in accordance with the rules of the registry being terminated, and the rules concerning the complaints board, or whether new rules shall be adopted. In the interim period, the regulator is bound by these guidelines wherever applicable.

### **5.23 Sanctions**

The regulator may impose enforcement fines in accordance with applicable law.

### **5.24 Former guidelines**

Any other former guidelines in conflict with these guidelines are abrogated.

### **5.25 Entry into force**

These guidelines shall come into force on the day of their publications.

Done at Kigali, on 04 September 2009

(Sé)

**Marie Claire MUKASINE**

**Chairperson**