

 <b>DOT.ASIA</b> ORGANISATION	<b>Date:</b>	07-Mar-2017
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<b>DotAsia Policies Document</b>		
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<b>References:</b>	<a href="http://www.dot.asia/asia-charter-eligibility-requirement-policies/">http://www.dot.asia/asia-charter-eligibility-requirement-policies/</a>	
<b>Executive Summary</b>		

This document describes the Charter Eligibility Requirement for registering .ASIA domain names. Every .ASIA domain must satisfy one of the following requirements:

- The .ASIA domain Registrant must ~~affirm~~accept to be subject to the Charter Eligibility Dispute Resolution Policy (CEDRP) in the Registrant Agreement – hereafter referred to as a Charter Eligibility ~~Declaration Requirements~~ Affirmation Acceptance (“~~CERD~~ AffirmationAcceptance”)

OR

- The .ASIA domain must have at least one Domain Contact that is a legal entity in the DotAsia Community – hereafter referred to as a Charter Eligibility Declaration Contact (“CED Contact”)

OR

- The .ASIA domain must have at least one Administrative Contact with a postal address within the DotAsia Community – hereafter referred to as a Charter Eligibility Administrative Contact (“CEA Contact”)

The Registrant Contact shall remain solely regarded as the Registered Domain Holder for all general purposes including all operations and liabilities regarding the use of the domain.

Information about the CED or CEA Contact can be updated by the contact itself as required. Registrant Contacts may also appoint a different entity to replace the CED or CEA Contact on file provided that after such change, the registration still fulfils this Charter Eligibility Requirement Policy.

Changes to CED or CEA Contact information (in fact all information relating to a domain) and replacement of CED or CEA Contacts are, however, not permitted when proceedings have been commenced under the Charter Eligibility Dispute Resolution Policy (CEDRP).

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## Discussion

# 1 Introduction

The .ASIA Registry is a Sponsored TLD registry. This Charter Eligibility Requirement sets out the eligibility requirement for holders of .ASIA domain names and the declaration required from an applicant for a .ASIA domain.

## 1.1 Definitions

.ASIA Registry	The ".ASIA Registry" is the TLD Registry Sponsored and operated by DotAsia Organisation Ltd. ("DotAsia"). DotAsia is a not-for-profit, limited-by-guarantee corporation incorporated in Hong Kong.
Applicant	The Applicant of a domain name is the Registrant Contact.
Charter Eligibility Admin Contact	A Charter Eligibility Admin (CEA) Contact is a contact with a postal address within the DotAsia Community, which satisfies the Charter Eligibility for registering a .ASIA domain name.
Charter Eligibility Declaration Contact	A Charter Eligibility Declaration (CED) Contact is a contact that is designated to make the declaration that it meets the Charter Eligibility for registering a .ASIA domain name. Such declaration is made by warrant and representation of the Registrant.
Domain Contact	A Contact associated with a domain registration. Four types of Domain Contacts are accepted: Registrant Contact, Administrative Contact, Technical Contact and Billing Contact.
Go Live	Go Live refers to the stage after the completion of the Startup process, which includes Sunrise and Landrush (a similar process is employed for the introduction of any IDN language for registration), of the .ASIA Registry. Upon Go Live, domain registrations are processed and accepted automatically and on a first-come-first-served basis.

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Landrush	Landrush refers to the initial phase of broad availability of the .ASIA domain for any entity meeting the charter eligibility requirements to register domains. This phase is the last phase in the startup process prior to the Go Live phase when normal operations based on live first-come-first-serve processing of the .ASIA registry commences.
Registered Domain Holder	The Registered Domain Holder of a domain name is the Registrant Contact.
Sponsored TLD	Sponsored TLD is a Sponsored Generic Top Level Domain as described and defined by ICANN: A sponsored TLD is a specialized TLD that has a sponsor representing a specific community that is served by the TLD. The sponsor thus carries out delegated policy-formulation responsibilities over many matters concerning the TLD.
Sunrise	Sunrise refers to the startup process described in the .ASIA Sunrise Policies document ( <a href="http://sunrise.policies.registry.asia">http://sunrise.policies.registry.asia</a> ), as well as subsequent Sunrise processes upon the introduction of each IDN language for registration.

## 1.2 Scope and Documentation

This document describes the Charter Eligibility Requirement for the registration of .ASIA domain names. During Sunrise periods for the .ASIA Registry, additional eligibility requirements must be met by applicants for different phases of the Sunrise. Charter Eligibility Dispute Resolution Policies follow the ICANN Domain Name Dispute Resolution Policies described and posted at <http://www.icann.org/udrp/cedrp-policy.html>.

Section 2 provides the background for which the Charter Eligibility Requirement is set against, while Section 3 describes the specifics of the requirement.

## 2 Sponsored TLD Charter

As specified in Appendix S of the Registry Operator Agreement with ICANN:

The DotAsia registry will serve the Pan-Asia and Asia Pacific community. The DotAsia Organisation will adopt the boundaries defined by ICANN (<http://www.icann.org/montreal/geo-regions-topic.htm>) for the Asia / Australia / Pacific (AP) region as a basis for its scope of eligibility. This provides for a clear definition of eligibility based on the geographic locations represented within the region.

### 2.1 Description of Sponsored TLD Community

As defined in Appendix S of the Registry Operator Agreement with ICANN, the DotAsia Community will be defined as all self-identified participants that have a stake in the Charter of the TLD. Furthermore, the Registry Operator anticipates the following to be the major beneficiaries and stakeholders in the community for the .ASIA Registry:

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- a. Legal entities within the Sponsor Community, including natural person, proprietorship, partnership or corporations;
- b. Governments, public sector entities and statutory bodies within the Sponsor Community;
- c. Entities that have established, seeking or have nexus relationship and presence within the Sponsor Community

Registry Operator may modify and/or expand the description of the TLD Community, consistent with the ICANN Agreement and the scope for eligibility for inclusion within the TLD Community as set forth in Part 1, Sponsored TLD Charter (of the ICANN Agreement), to reflect the evolution of the Pan Asia and Asia Pacific region.

### 3 Charter Eligibility Requirement

In order to be eligible for a .ASIA domain, the Registered Name Holder must ~~affirm-accept that it the Registration Agreement, provided by a Registrar, which is compliant with the .ASIA Registry-Registrar Agreement is an entity "that have established, seeking or have nexus relationship and presence within the Sponsor Community."~~ (CED-CER AffirmationAcceptance) ~~by accepting to and~~ be subject to the Charter Eligibility Dispute Resolution Policy (CEDRP), OR at least one of the Domain Contacts associated with the Domain Name must be a legal entity in the DotAsia Community (CED Contact), OR at least one of the Administrative Contacts associated with the Domain Name must have a postal address within the DotAsia Community (CEA Contact).

As mentioned above, the DotAsia Community is defined based on the geographical boundaries described by the ICANN Asia / Australia / Pacific region (<http://www.icann.org/montreal/geo-regions-topic.htm>). An extract of the list containing the localities for the Asia / Australia / Pacific Region is included in Appendix A as a reference.

#### 3.1 Charter Eligibility ~~Declaration Requirements~~ (CEDCER) ~~AffirmationAcceptance~~

If a ~~CED-CER AffirmationAcceptance~~ is used to satisfy these Charter Eligibility Requirement Policies, the Registrant Contact shall ~~accept the Registration Agreement, provided by an Accredited Registrar, which is compliant with the .ASIA Registry-Registrar Agreement, and be subject to the Charter Eligibility Dispute Resolution Policy (CEDRP).~~ ~~affirm that it is an entity that have established, seeking or have nexus relationship and presence within the Sponsor Community (CED Affirmation) by accepting to be subject to the Charter Eligibility Dispute Resolution Policy (CEDRP), in accordance with the charter as described in Appendix S, Part 1. Sponsored TLD Charter of the .ASIA Registry Agreement with ICANN~~ (<https://www.icann.org/resources/unthemed-pages/asia-2012-02-25-en>)

To effect this ~~CED-CER AffirmationAcceptance~~, Registrars must, in its Registration Agreement with each Registered Name Holder (for a .ASIA domain) require such Registered Name Holder to adhere to these Charter Eligibility Requirement. These requirements are already included in the .ASIA Registry-Registrar Agreement:

- 3.2. Communication with Registered Name Holder. Registrar shall not communicate any information to a Registered Name Holder which is inconsistent or otherwise not in compliance with ... (iii) Charter Eligibility Requirement;

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- 3.9. Compliance with Terms and Conditions.
  - 3.9.6. Submit to proceedings commenced under ICANN’s Charter Eligibility Dispute Resolution Policy (“CEDRP”);
  - 3.9.8. Acknowledge and agree to comply with the .ASIA Charter Eligibility Requirement.

By accepting the Registration Agreement and be subject to the CEDRP, the Registrant identifies that it is an entity that have “established, seeking or have nexus relationship and presence within the Sponsor Community”, in accordance with the charter as described in Appendix S, Part 1. Sponsored TLD Charter of the .ASIA Registry Agreement with ICANN (<https://www.icann.org/resources/unthemed-pages/asia-2012-02-25-en>).

For the avoidance of doubt, Registrars are only required to adhere to the corresponding provisions already in the Registry-Registrar Agreement. No additional information is required to be collected from the Registered Name Holder or submitted to the DotAsia Registry. For the avoidance of doubt, while the CER Acceptance process is especially designed for entities “seeking” a presence within the DotAsia Community, if a Registrant has already established a presence in the DotAsia Community, their eligibility will not be disqualified even if they utilize the CER Acceptance criterion to register a .ASIA domain name rather than submitting their CED/CEA information.

## 3.2 Charter Eligibility Declaration (CED) Contact

If a CED Contact is used to satisfy these Charter Eligibility Requirement Policies, the Registrant Contact shall warrant and represent that Domain Contact to make the Charter Eligibility Declaration (CED). For those entities that do not have a separate legal personality, such as a partnership in some economies, a natural person (e.g. a partner) may be used as one of the Domain Contacts and named as the CED Contact.

The designated CED Contact must provide additional information to make the declaration to the effect that it is a legal entity within the DotAsia Community. The required information includes:

1. Locality of establishment of the Entity (based on the corresponding ISO3166 code)
2. Type of Entity
  - a. Corporations or Companies
  - b. Cooperatives
  - c. Partnerships or Collectives
  - d. Government Bodies, States, Sovereigns or Municipalities
  - e. Political parties or Trade Unions
  - f. Trusts, Estates, Associations or Societies
  - g. Institutions
  - h. Natural Persons
  - i. Other
3. Form of Identification
  - a. Certificate of Incorporation or equivalent business registration certificate issued by the relevant government registry as confirmation of the due incorporation and valid existence of the company
  - b. Act, decree or legislation chartering the formation of an entity

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- c. Societies Registry or equivalent registry for non-corporate entities
  - d. Political Parties Registry
  - e. Passport or Citizenship ID
  - f. Other
4. Identification Number / Code of Reference (e.g. Passport number, Business Certificate number, Act or Legislation number/code, etc.)

If 2(i) and/or 3(f) is declared, the appropriate information for the Type of Legal Entity and Form of Identification to support the claim must be provided.

The .ASIA Registry will monitor the compliance of Charter Eligibility Declarations by sampling methodologies, and may cancel any registration that is non-conformant.

Registered Domain Holders may be requested to fulfil any information that is missing or non-conforming. Registered Domain Holders may also be requested to submit further documentary evidence to substantiate their Charter Eligibility Declaration. Any request for information or documentary evidence must be submitted within the time period specified by the .ASIA Registry, which shall be no less than 7 calendar days. Submission of documentary evidence will be primarily by electronic format. Other formats, such as a certified copy of an original may be requested. If a Registered Domain Holder fails to deliver the documentary evidence within the time period stipulated in the request, the domain registration shall be considered to have been defaulted. Upon which, the .ASIA Registry may cancel the domain registration.

Information submitted for the CED Contact, except for identification numbers of natural persons (e.g. passport number), will be included in publicly accessible WHOIS databases to allow for public inspection of the eligibility of a Registered Domain Holder. Registered Domain Holders who are found to have provided false or misleading information could have their domain registration cancelled.

### 3.3 Charter Eligibility Admin (CEA) Contact

If a CEA Contact is used to satisfy these Charter Eligibility Requirement Policies, one of the Administrative Contacts associated with the Domain Name must contain a postal address within the DotAsia Community. No additional information is required.

The .ASIA Registry will monitor the compliance of CEA Contacts by sampling methodologies, and may cancel any registration that is non-conformant. When such conformance is in question, the Registry may request for documentary evidence substantiating that a provided postal address is valid and corresponds with the CEA Contact.

## 4 Applicant and Registered Domain Holder

The Registrant Contact shall be solely regarded as the Registered Domain Holder.

## 5 Amendment and Replacement of a CED or CEA Contact

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After the completion of Sunrise, the CED and CEA Contacts may amend their information at anytime. The Registrant Contact may replace the CED or CEA Contact on file provided that after such replacement, the domain registration continues to fulfil these Charter Eligibility Requirement Policies.

Changes to CED or CEA Contact information (in fact all information relating to a domain) and replacement of CED Contacts are, however, not permitted when proceedings have been commenced under the Charter Eligibility Dispute Resolution Policy (CEDRP).

## 6 Submission and Maintenance of CED and CEA Information

### 6.1 Submission and Maintenance of CED Information

CED information must be submitted via a .ASIA Accredited Registrar. The Registrar may utilize an EPP interface or the web admin interface (which itself is an EPP client provided by the registry) for submitting applications. CED information <asia:cedData> for each domain must be submitted or updated via EPP, utilizing extensions published by the .ASIA Registry.

Technical specifications of the EPP extensions are provided to .ASIA Registrars and published separately.

CED information is associated with a Contact Object, while a CED Contact is associated with a Domain Object. Replacement of a CED Contact is managed via an update to a Domain Object, while the update of CED information is managed via an update to a Contact Object. The following fields are available for the purpose of fulfilling the Charter Eligibility Declarations:

1. **Locality of establishment** <asia:ccLocality>
  - OPTIONAL detail of locality: State/Province <asia:localitySp>
  - OPTIONAL detail of locality: City <asia:localityCity>
2. **Type of Entity** <asia:legalEntityType>
  - Other Entity Type <asia:otherLEType> (REQUIRED if 2. is “other”, otherwise this field is OPTIONAL)
3. **Form of Identity** <asia:identForm>
  - Other Form <asia:otherIdentForm> (REQUIRED if 3. is “other”, otherwise this field is OPTIONAL)
4. **Identification Number** <asia:identNumber>

For 2. and/or 3. Above, if “other” is declared, the appropriate information for the Type of Legal Entity and Form of Identification to support the claim must be provided in 2a. and/or 3a. respectively.

During Sunrise, all fields of the Charter Eligibility Declarations for applications utilizing a CED Contact will be required for the submission of an application. Thereupon, Charter Eligibility Declarations must still be made for all domain registration applications, however, 4. Identification Number / Code of Reference may be omitted to facilitate the initial submission of an application, and supplied subsequently via a Contact Object update.

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The CED Contact associated with a domain application submission must already have CED information associated with the Contact Object. CED information may be submitted upon the creation of the Contact Object or via updates to the Contact Object.

## 6.2 Submission and Maintenance of CEA Information

A CEA Contact is a normal contact object with a postal address within the DotAsia Community. Please refer to Appendix A: ICANN Asia / Australia / Pacific (AP) Region, for a list of the countries and territories that would satisfy the eligibility requirements.

No additional information is required for CEA Contacts.

## 7 Miscellaneous Provisions

### 7.1 Modifications, Guidelines and Enforceability

The .ASIA Registry may issue interpretive guidelines on its website regarding the terms of these Charter Eligibility Requirement Policies. The .ASIA Registry may modify these Charter Eligibility Requirement Policies from time to time, and modifications will take effect at the time they are announced on the Registry's website, with or without prior notice to registrars or registrants.

If any part of these Charter Eligibility Requirement Policies is declared invalid or unenforceable for any reason, the remainder of these policies shall remain valid and enforceable as if the invalid or unenforceable part were not included herein.

There shall be substituted for any invalid or unenforceable provision a suitable provision that, as far as is legally possible, comes nearest to the sense and purpose of these Charter Eligibility Requirement Policies, taking into account all other applicable rules and policies.

### 7.2 Limitation of Liability and Decisions by Registry

To the extent allowed under mandatory law, the Registry shall only be liable where the Registry's gross negligence or wilful misconduct is proven. In no event shall the Registry be held liable for any indirect, consequential or incidental damages or loss of profits, whether contractual, based on tort (including negligence) or otherwise arising, resulting from or related to registration or use of a Domain Name or to the use of its software or web site, even if it has been advised of the possibility of such loss or damages, including but not limited to decisions taken by the Registry to register or not to register, or to cancel or not to cancel, a Domain Name on the basis of the conformance with this Charter Eligibility Requirement policy.

To the extent allowed under mandatory law, the Registry's liability for damages shall in any case be limited to an amount equal to the application fee paid to the Registry (that is, the fees collected from the Sponsoring Registrar by the .ASIA Registry for the submission of the corresponding application, not including any other fees paid by the Registrant for the acquisition of the domain, such as fees paid to the Sponsoring Registrar or auction fees) in the context of submitting the Application. The Applicant agrees and accepts that no greater or other damages may be claimed from the Registry (such as, but not limited to, any fees payable or paid by the

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Applicant in the context of any proceedings initiated against a decision by the Registry to register or not to register a Domain Name). The Registered Domain Holder further agrees to submit to the CEDRP where appropriate, and to binding arbitration for disputes arising from these Charter Eligibility Requirement Policies.

The Registered Domain Holder shall hold the Registry harmless from claims filed or disputes initiated by third parties, and shall indemnify and compensate the Registry for any costs or expenses incurred or damages for which it may be held liable as a result of third parties taking action against it on the grounds that the registration or use of the Domain Name by the Registered Domain Holder infringes the rights of a third party.

For the purposes of this Section, the term "Registry" or ".ASIA Registry" also refers to the members of the DotAsia Organisation, its subcontractors, including Verification Agent(s) or agents used for the checking of the conformance of Charter Eligibility Declarations, and each of their respective directors, agents and employees.

The obligations of Sponsoring Registrars are laid out in the Registry-Registrar Agreement. Such obligations include the conformance with these Charter Eligibility Requirement Policies.

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### Summary of Changes

The two main changes included in this revision incorporates feedback from the public comments received to clarify the intent of the Charter Eligibility Policy updates:

- Changed terminology from “Charter Eligibility Declaration Affirmation (CED Affirmation)” to “Charter Eligibility Requirements Acceptance (CER Acceptance)”. Change from “CED” to “CER” makes it more clearly distinguished from “CED Contact”. Change from “Affirmation” to “Acceptance” makes it more clear that no additional action is required other than accepting the requirement as part of a registration agreement.
- Added clarification that even if a Registrant already has established a presence in the DotAsia Community, their eligibility will not be disqualified even if they utilize the CER Acceptance criterion to register a .ASIA domain name rather than submitting their CED/CEA information.

### Appendices / Exhibits

## Appendix A: ICANN Asia / Australia / Pacific (AP) Region

ccTLD	Economy / cc-Locality	Physical Region	ICANN Region
ae	United Arab Emirates	AP	AP
af	Afghanistan	AP	AP
am	Armenia	AP	AP
aq	Antarctica	AQ*	AP
au	Australia	AP	AP
az	Azerbaijan	AP	AP
bd	Bangladesh	AP	AP
bh	Bahrain	AP	AP
bn	Brunei Darussalam	AP	AP
bt	Bhutan	AP	AP
cc	Cocos (Keeling) Islands	AP*	AP
ck	Cook Islands	AP	AP
cn	China	AP	AP
cx	Christmas Island	AP*	AP
cy	Cyprus	AP	AP
fj	Fiji	AP	AP
fm	Micronesia, Federated States of	AP	AP
ge	Georgia	AP	AP
hk	Hong Kong	AP	AP
hm	Heard Island and McDonald Islands	AP*	AP
id	Indonesia	AP	AP
il	Israel	AP	AP

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ccTLD	Economy / cc-Locality	Physical Region	ICANN Region
in	India	AP	AP
iq	Iraq	AP	AP
ir	Iran, Islamic Republic of	AP	AP
jo	Jordan	AP	AP
jp	Japan	AP	AP
kg	Kyrgyzstan	AP	AP
kh	Cambodia	AP	AP
ki	Kiribati	AP	AP
kp	Korea, Democratic People's Republic of	AP	AP
kr	Korea, Republic of	AP	AP
kw	Kuwait	AP	AP
kz	Kazakhstan	AP	AP
la	Lao People's Democratic Republic	AP	AP
lb	Lebanon	AP	AP
lk	Sri Lanka	AP	AP
mh	Marshall Islands	AP	AP
mm	Myanmar	AP	AP
mn	Mongolia	AP	AP
mo	Macao	AP	AP
mv	Maldives	AP	AP
my	Malaysia	AP	AP
nf	Norfolk Island	AP	AP
np	Nepal	AP	AP
nr	Nauru	AP	AP
nu	Niue	AP	AP
nz	New Zealand	AP	AP
om	Oman	AP	AP
pg	Papua New Guinea	AP	AP
ph	Philippines	AP	AP
pk	Pakistan	AP	AP
ps	Palestinian Territories	AP	AP
pw	Palau	AP	AP
qa	Qatar	AP	AP
sa	Saudi Arabia	AP	AP
sb	Solomon Islands	AP	AP
sg	Singapore	AP	AP
sy	Syrian Arab Republic	AP	AP
th	Thailand	AP	AP
tj	Tajikistan	AP	AP
tk	Tokelau	AP	AP

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ccTLD	Economy / cc-Locality	Physical Region	ICANN Region
tl	Timor-Leste	AP	AP
tm	Turkmenistan	AP	AP
to	Tonga	AP	AP
tr	Turkey	AP	AP
tv	Tuvalu	AP	AP
tw	Taiwan	AP*	AP
uz	Uzbekistan	AP	AP
vn	Viet Nam	AP	AP
vu	Vanuatu	AP	AP
ws	Samoa	AP	AP
ye	Yemen	AP	AP

\* See: <http://www.icann.org/montreal/geo-regions-topic.htm> for more detailed discussions.