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香港互聯網註冊管理有限公司
Hong Kong Domain Name Registration Company Limited
香港域名註冊有限公司
A Wholly-Owned Subsidiary of HKIRC
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Review of Comments Received During Public Consultation on .hk Chinese Domain Name Soft Launch and Reserved .hk Chinese Domain Name Categories

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Section 1

Introduction and Background

1.1 Introduction

This paper reports on the discussions by the CDN Public Consultation Committee on the comments received for the Public Consultation on .hk Chinese Domain Name (“CDN”) Soft Launch and Reserved .hk Chinese Domain Name Categories. The Public Consultation was conducted by Hong Kong Domain Name Registration Company Limited (HKDNR).

1.2 Background

To achieve a successful CDN launch, it is important to ensure that the public find the soft launch period arrangement and Reserved .hk CDN categories acceptable. Therefore a public consultation is conducted during the period from 27 February to 13 April 2006. A Public Consultation Paper was published by HKDNR for this purpose.

The Consultation Paper sets out:

- (a) the soft launch period arrangement of .hk Chinese Domain Name (CDN); and
- (b) the categories of Reserved .hk CDN proposed by Hong Kong Domain Name Registration Company Limited (HKDNR)

The purpose of the public consultation is to receive comments from the public on the public consultation paper.

A total of 12 submissions were received in the consultation period, of which 1 was a submission from individual and 11 were submitted by organizations and companies. Two meetings were held by Public Consultation Committee to discuss in details the comments received. Where necessary, advice from external professional such as the legal profession was sought.

Details on the Public Consultation can be found in the Public Consultation Paper at the following link

http://www.hkirc.hk/eng/consul/consulpaper_eng.htm.

Section 2

Review of Comments Received

Below table (Illustrate MR1.2) summarises the discussion and conclusion made by the CDN Public Consultation Committee on the public comments.

Illustrate MR 1.2 – Summary on Discussion and Conclusion of Comments

No.	Type of Respondent	Details of Comment	Outcome of Discussion with CDN Public Consultation Committee
General			
G1	Commercial Entity and Educational Institution	The respondents thought it was not necessary to introduce Chinese Domain Name.	Although the respondents thought introducing CDN was not necessary in Hong Kong, it would be more of the obligation and image of Hong Kong to have .hk CDN because Internationalized Domain Name (“IDN”) is already available in more and more countries. The Committee concluded to keep the schedule to launch .hk CDN in 2006.
G2	Individual	The respondent suggested to add the rule to prevent people from registering individual domain name without the consent of the targeted individual e.g. one is not allowed to set up site involving the name 陳大文.hk without gaining consent from person(s) with the legal name 陳大文.	The suggestion from the respondent is not feasible because it is not easy to contact the individual whose name is the same as that on HKID card. Also there may be more than one individual with the same name. Only to contact the one who is more known by the public would be perceived as unfair to others. The Committee concluded that it was unable to take this suggestion at this point in time.
G3	Government Bureau / Department	The respondent supported HKDNR’s proposed arrangement of handling domain name with characters “保險” to comply with the Laws of Hong Kong.	The Committee concluded to maintain this arrangement.

G4	Commercial Entity	When someone registers .個人.hk domain name, the respondent suggested that the CDN being registered should be identical with the name shown on his/her HKID card.	This suggestion does reflect the concerns of individuals if the domain name which is the same as their legal name is used by someone who has no relation to the name. The Committee concluded that under the category of <個人.hk>, the domain name registered shall be the same as the registrant's legal name on HKID card. This restriction will not apply for individuals registering second level CDN.
Soft Launch Arrangement			
S1	Commercial Entity from the industry of Engineering and Consultants	The respondents did not totally support in giving priority to trademark / service mark holders during Soft Launch Period. One of the respondents said it was not common and not cost-effective for small professional company to have the company name trademarked. The respondents supported our proposal in giving priority to existing English .hk domain name holders with earliest commencement date.	The respondents are SMEs without registered trademark. They proposed not to give priority to trademark holders and service mark holders. However, canceling Priority Registration Period for trademark / service mark holders would likely increase the number of domain name disputes filed by trademark / service mark holders. Therefore in order to minimize the possibility of domain name dispute and the possibility of cybersquatting, the Committee concluded to maintain Priority Registration Period for trademark / service mark holders during Soft Launch.
S2	Commercial Entity	The respondent supported our proposal in giving priority to existing .hk domain name holders.	The Committee concluded to maintain priority to .hk domain name holders.
S3	Individual	The respondent suggested to add one more rule for second level CDN registration. The rule is to disallow someone who is not the individual to	The comment proposed an arrangement which could minimize the possibility of cybersquatting. However, it is hard to distinguish whether the CDN is the name of the individual e.g. 'Vivianne Tam' ® is the name of a fashion brand, also the name of an individual. In addition, this arrangement entails a difficult verification process which means all applications including second level CDN have to be verified. This would

		<p>apply for CDN of the name of individual. Or alternatively if more than one applicant applies for the same CDN of the name of individual, priority is to be given to the applicant with the name on the HKID card the same as that for the domain name.</p>	<p>prolong the activation time and bring extra inconvenience to applicants. Furthermore, there is a need for fans club to register domain name for the star, parents to register domain names for their children, the husbands registered domain name for their wives as gifts etc. This rule would make the aforesaid market needs unsatisfied.</p> <p>However this comment reflects the needs to protect the name of “public figures” in Hong Kong such as the name of current Chief Executive, Government Secretary of Government Bureaux level or above (局長或以上職級官員) like Secretary for Justice, Chief Secretary for Administration and Financial Secretary, Chairman of the People Republic of China etc. These names would easily cause impact on Hong Kong image and cause confusion to the public if they are not being appropriately used. However it would be too restrictive if these names are put on reserved list because there may be someone in Hong Kong also with the legal name 曾蔭權 and hence has the right to register this domain name. The Committee therefore concluded to seek advice and views from Constitutional Affairs Bureau (CAB) of the HKSAR Government on whether the registration of such names needs to be controlled.</p>
S4	Commercial Entity in Insurance Industry	<p>The respondent suggested HKDNR to provide a mechanism for applicant in Priority Registration Period (registration period for trademark / service mark holder) to search if the domain names of their concerns are applied during Soft Launch Period.</p>	<p>This suggestion reflects the needs for applicant to know how likely they will win the domain name and hence the needs to apply for other domain names. Therefore giving the opportunity to applicants to apply for the domain name of their concerns during the soft launch period would minimize the needs to raise a dispute in the future. As the domain name applied for during Priority Registration Period shall be the same as that as the registered trademark / service mark the registrant is holding, information on what names other applicants are applying is not really needed. However it would be more important for applicants to have the information during Pre-registration period (the period opened for existing .hk holders) because every eligible existing English domain name holder will only have the no. of time of registration the same as the no. of eligible existing English domain name the applicant is holding. The Committee concluded that a search function would be provided during Pre-registration Period of the CDN Soft Launch.</p>
S5	Commercial Entity in Communication Industry	<p>In relation to the Pre-registration stage, whereby the registrant of an existing EDN can apply for a</p>	<p>The feedback reflects that the non-trademark / non-service mark holder who registered the English domain name late does worry about CDN of their concerns being registered by others because the existing customer can register any domain name of their wishes. Legal comment was sought. The Committee concluded that for CDNs with more than one</p>

		<p>CDN of their choices, the respondent thought allocation based on commencement date is easy to administer but may arouse many later dispute and resolution by companies with their English .hk domain names registered later than the others. The respondent does not have any suggestion of what other attribute could be based upon.</p>	<p>applicants in the Pre-registration Period, similarity test will be applied before considering the commencement date of the eligible existing .hk English domain names. Similarity test shall comprise of clear procedure of determination. For example, referring to dictionaries, vocal pronunciation, trademark, legal document etc.</p>
S6	Government Bureau / Department	<p>The respondent suggested allowing Government Departments to register more domain names than the number of EDN during Pre-registration period (priority period to existing holders) so that they can register the long form and various short-forms of the Chinese name so as to avoid non-Government entities registering domain names that are perceived as Government Authorities.</p>	<p>Allowing Government Departments to register multiple CDNs for one existing EDN during Pre-registration Period may cause perception by the public that the Government Departments may register many CDNs which they think necessary but some of which may have little relationship to any Government Department. Therefore, the Committee concluded to control the registration of CDNs that are the long-form and short-form of the name of Government Department / Bureau. The application of such names shall require endorsement by the Government of the HKSAR.</p>
S7	Government Bureau / Department	<p>The respondent supported the arrangement that priority will be given to Government Departments in the case of second level CDN</p>	<p>The Committee concluded to maintain such arrangement.</p>

		application.	
S8	Commercial Entity of Telecommunications, TV and Internet	The respondent suggested that during Priority-Registration Period, the DN registered shall be exactly the same marks between the trademark / service mark and domain name. i.e. if the mark contains ‘美麗酒家 May Lee Restaurant’, the domain name shall be ‘美麗酒家 mayleerestaurant’. According to the proposed arrangement by HKDNR, the registrant can select to include or not to include English letter or numerical number on the domain names. However if inclusion is necessary, it shall include all Chinese characters + all English letters or all Chinese characters + all numerical numbers.	According to the online trademark search information provided by the Intellectual Property Department of HKSARG, it is a commonplace to see a single logo combining both English name and its translated Chinese name. Examples are ‘Payment By Phone Service 繳費聆’、’ACL Phone Centre 電話廊’, ‘Power Phone 面面通’. Inclusion of all marks on the domain name will generate a domain name that is not practically usable by the registrant. It is the reason why we allow registrant to choose inclusion of non Chinese characters or non-inclusion subject to the condition that if they choose to include, they will have to include all English letters, or include all numerical numbers on the domain name. The Committee therefore concluded to maintain the original proposed arrangement to allow to include or not to include other non-Chinese Character marks for the domain name registration during Priority-registration Period (priority period to trademark / service mark holders).
S9	Commercial Entity of Telecommunications, TV and Internet	The respondent suggested HKDNR to allow 2 or more trademarks / service marks registered by the same company to have the combined domain name. Example is B Company having a trademark named”麗家” and another trademark	The proposed arrangement would put the one having trademark “美麗酒家’ at risk as there are many possible combinations e.g. trademark of ‘美’ + ‘麗酒家’ or ‘美麗酒’ + ‘家’ or ‘美’ + ‘麗’ + 酒’ + ‘家’ to make up the domain name. The Committee concluded that this suggestion would not be taken at this point in time.

		named ‘美酒’, then B Company can register domain name of ‘麗家美酒’.	
S10	Commercial Entity of Telecommunications, TV and Internet	The respondent does not support the use of random draw in the Priority-registration Period when more than one applicant applying for the same CDN is received. The respondent suggested to give priority to the applicant that is holding the greater no. of active .hk domain. (active means a fully operational domain and domain for sales or parked websites are not considered ‘operational’). If the no. of operational domain name is identical, commencement date will be considered.	The suggestion of respondent is to consider trademark, existence of .hk domain name and the activeness of domain name as attributes to decide on priority. However, the activeness of a domain name can be quite dynamic. We may find the domain name is not for sales or not being parked at this moment and this does not guarantee that the domain name is not for sales or not being parked at the next moment. Therefore this attribute is not a reliable information for determining eligibility. However considering the existence of previously registered English .hk domain name is reasonable. The Committee therefore concluded that during the Priority-registration Period, if more than one applicant apply for the same domain name, priority will be given to registrant having an existing .hk domain name (relevant EDN) with earliest commencement date. If all applicants do not have existing .hk domain name, the allocation will be decided by random draw.
S11	Commercial Entity of Telecommunications, TV and Internet	The respondent supported our proposed arrangement of using a “specific date” (i.e. commencement date) on domain application to determine the eligibility of existing .hk English domain name holder having right to register during Pre-registration Period.	The Committee concluded to maintain this arrangement.
S12	Commercial Entity of	During Pre-registration	We may find that the domain name is not for sales or parked at this moment but this does

	Telecommunications, TV and Internet	Period, when there is more than one applicant applying for the same domain name, the respondent did not support to use random draw if there are more than one applicant with the earliest commencement date (same commencement date). The respondent suggested to use the activeness of EDN and the level of similarity of EDN with the applied CDN to determine the priority as a replacement of random draw.	<p>not guarantee that the domain name is not for sales or parked at the next moment or vice versa. Therefore this attribute is not a reliable information to be used for determining eligibility.</p> <p>The Committee concluded that for CDNs with more than one applicant in the Pre-registration Period, similarity test will be applied before considering the commencement date of the eligible existing .hk English domain name. Similarity test shall be based on some unambiguous method of determination, for example, dictionaries, vocal pronunciation, trademark, legal document etc.</p>
Reserved .hk Chinese Domain Name Categories			
R1	Government Bureau / Department	The respondents suggested to add new categories of name of Government Bureaux and Departments in CDN reserved domain list to protect the interest of the Government Bureaux and Departments.	This suggestion reflects the needs to protect the name of the Government Bureaux and Government Departments in Hong Kong. However reserving the name would mean the domain names could not be registered by anyone at all. As there may be need for the Government Bureaux or Departments per se to register the domain names, the Committee concluded that HKDNR can exercise more control on the registration of the long-form and short-form name of the Government Authorities rather than reserving them. In particular, the registration for the domain name composed of such names shall require endorsement by the Government of the HKSAR.
R2	Government Bureau / Department	The respondent suggested HKDNR to make reference to international practice and explore whether other categories should be included .e.g names of	<p>This suggestion reflects the needs to minimize confusion to the public caused by potential abuse of names of Government Bureaux / Government Bodies etc. See discussion on R1 above.</p> <p>As Hong Kong is part of the People Republic of China, the need to protect domain name of PRC's supreme authorities, political party like 中國人民代表大會, 共產黨 etc have to</p>

		mainland authorities, name of HKSARG Departments / Bureaux / Government Bodies etc when preparing CDN reserved domain list.	be considered. The Committee recommended HKDNR to consult Constitutional Affairs Bureau of the HKSAR Government on the needs to protect the use of such names.
R3	Government Bureau / Department	For the reserved category of Chinese-speaking countries, the respondent suggested to include Japan and Korea as these countries use Chinese characters to a limited extend.	This suggestion is worth considering. The Committee concluded that the name of that reserved category would be changed from 'Names of Chinese-speaking Counties / Regions' to 'Names of Countries / Regions that use Chinese Characters in their Languages'. Japan, Korea and other countries that use Chinese Language (may refer to CIA World Factbook or other public source) will be included.
R4	Government Bureau / Department	The respondent suggested to add name of all countries in the world in Chinese in the reserved list.	The international trend is not to reserve names of countries and districts (unless there is a need to do so for sovereignty reasons). Moreover, it would be less likely for countries not using Chinese Characters to open a Chinese Top Level Domain in the future e.g. It is very unlikely for Italy to open a top level domain of <.意大利> even when Internationalized Domain Name at the Top Level is available. The Committee therefore concluded that this suggestion would not be adopted at this point in time.
R5	Government Bureau / Department	The respondent suggested HKDNR to set out a list of synonyms and cover all the derivatives of the country / region names including official and non-official names e.g. 大陸, 中國大陸 when composing the reserved list for category 'Names of Countries / Regions that use Chinese Language'. The respondent suggested that HKDNR shall exercise due care, diligence, common sense and political acumen in	This suggestion is worth considering. However it would be less likely for the unofficial name or derivatives of the country names to cause confusion in the public or be wrongly perceived as an official country website. The Committee concluded that the unofficial names of the country names would not be reserved. Only the official country name e.g 中國、中華人民共和國 etc will be reserved.

		searching for and handling the possible derivatives. In case of doubt, it is better to err on the safe side.	
R6	Government Bureau / Department	The respondent suggested HKDNR to refer to other IDN registry e.g China, Japan, Korea, Taiwan to the mechanism to update the reserved list.	The Committee concluded that the creation of new category of .hk reserved domain shall be approved by Complaint and Dispute Resolution Committee of the Board of Hong Kong Domain Name Registration Company Limited . The updating of individual name on the list (not involving the change of category) shall be approved by the Chief Executive Officer of HKDNR.

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