



Schweizerische Eidgenossenschaft  
Confédération suisse  
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# **Strategy of the Confederation for the operation of internet domain names**

*Adopted by the Federal Council on 27th February 2013*

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## 1 Introduction

Internet domain names represent a key infrastructure resource for the information society. The Federal Council supports the on-going development of the use and governance of the internet, including the domain name system at international level, in accordance with liberal, democratic and constitutional principles and through cooperation between public and private stakeholders. In June 2011, ICANN (Internet Corporation for Assigned Names and Numbers), which is responsible for the administration of the internet addressing system, decided to liberalise the domain name market by introducing new generic top-level internet domains (gTLDs). This means that in future the number of available gTLDs will increase steadily. Against this background, the present strategy lays down the goals and principles for safeguarding the public interests of the Confederation in the operation of internet domain names, as well as the responsibilities for its implementation.

## 2 Goals of the Confederation's domain name strategy

The Federal Council sets out the following primary strategic goals.

- **The economic and social opportunities available to Switzerland through the internet domain name system are exploited efficiently.**  
In the process, the Confederation ensures that access by stakeholders from business and society in Switzerland to limited internet resources such as addressing resources is always adequately assured.
- **The risks arising for Switzerland from the liberalisation of the domain name system are minimised.**  
The security and availability of the architecture for the functioning of the domain name system, in particular the top level domains under the sovereignty of Switzerland, are assured as far as possible. Swiss law is complied with in determining new planned domain extensions, especially where there is a reference to Switzerland. The enforcement of Swiss law is ensured, as far as possible, in cases where a connection to Switzerland exists.

## 3 Main principles

### Internet governance in the interest of Switzerland

The Confederation promotes the public interests of Switzerland in the international bodies for coordination of the internet and of critical internet resources. The representatives of Switzerland actively exercise their influence wherever possible.

### Transparent management of addressing resources

As addressing resources, domain names are subject to an administration policy which ensures fair competition between the players in the market (for electronic communication). It conforms to the principles of transparent assignment, compliance with Swiss and international standards, plus appropriate and reasonable use and adaptation of the rules to telecommunication services offerings.

## 4 Interests of the Confederation in various top level domains (TLDs)

The Confederation's goals in relation to internet domain names are pursued in three areas:

- In the country domain (country code top level domain ccTLD) **.ch**

- In generic domains (generic top level domains, gTLDs), which have been delegated to the Confederation
- In gTLDs which have been delegated to third parties

#### 4.1 ccTLD .ch

The ccTLD **.ch** is administered by Switzerland as a sovereign state. The assignment and administration of second-level domain names below the ccTLD **.ch** is regulated by telecommunications legislation.

The domain **.ch** has the following main characteristics:

- The ccTLD **.ch** is defined as an open domain. No evidence of a connection to Switzerland is required for the registration of a second-level domain name. The registry assigns domain names on application and according to the order in which applications are received (*first come, first served*). In the process it does not verify the entitlement to use alphanumeric identifiers of domain names.
- Any person who wishes to acquire a **.ch** domain name may - subject to reserved names of municipalities - apply to the registry for the name of their choice under their own responsibility. The Federal Office of Communications (OFCOM) may reserve the assignment of other descriptive categories below **.ch** if an overriding public interest so requires or if adaptation to international recommendations is deemed to be necessary.
- Abuses in relation to registration and/or domain names ("phishing", dissemination of "malware") are primarily combated *ex post* on the basis of suspicion or complaint.
- The telecommunications legislation subjects disputes to Swiss law and Swiss jurisdiction. The settlement of disputes in relation to trademark law may be transferred to an extrajudicial conciliation service specifically provided for **.ch** (national solution).

##### 4.1.1 Names warranting protection in the view of the Confederation

The Confederation defines a central list of protected names in the ccTLD **.ch** and reserves these whenever possible. This list is amended and updated as necessary. The protected names fall into the following categories in particular:

- Names for the body politic
- Names for the federal institutions
- Names of federal councillors and federal chancellors
- Names of official buildings

In the event that third parties have already reserved these names for themselves, the Confederation strives for a transfer (through a dispute resolution service, a legal action, or a possible out-of-court settlement) only if substantial damage might otherwise be caused to its reputation.

##### 4.1.2 Other domain names for use by the federal administration

The reservation and administration of second-level domain names below the ccTLD **.ch** not deemed warranting protection but which the departments and offices of the federal government require for their needs is implemented by the respective agencies themselves.

## 4.2 gTLDs delegated to the Confederation

### 4.2.1 Principle

In the case of generic top level domains (gTLDs), the Internet Corporation for Assigned Names and Numbers (ICANN) decides who can operate them. The Confederation applies to ICANN for the assignment of a gTLD only if the interests of Switzerland cannot be safeguarded by other means or if abuses can be prevented only in this way. For the Confederation, the operation of a register must cover its costs in the medium term.

### 4.2.2 gTLD **.swiss** (subject to ICANN agreement, provisionally mid-2013)

The gTLD **.swiss** is expected to be assigned by ICANN to the Swiss Confederation for its administration in mid to late 2013. An agreement between ICANN and the Swiss Confederation governs the details. The Confederation lays down the applicable rules for the operation of **.swiss** by means of an addendum to the telecommunications legislation in consultation with relevant federal offices and other interested parties. In the process, Swiss legislation will be stringently complied with, in particular the provisions of trademark legislation.

The domain **.swiss** has the following main characteristics:

- On registration of second-level domain names below **.swiss**, evidence of a connection with Switzerland must be provided.
- The registry determines whether the requirements for registration under **.swiss** have been met. In the event of multiple applications for the same domain name, it decides which application takes precedence.
- This verification minimises *ex ante* abuses in connection with registration and/or domain names.
- The international solutions developed by ICANN shall apply to the settlement of disputes. In accordance with the provisions of ICANN, multiple dispute resolution services (an arbitration procedure which is applied in the case of disputes between ICANN and the registry operator, as well as dispute resolution mechanisms which ICANN has provided for disputes between different applicants or holders of a domain name within a gTLD, and in the relationship of an applicant/holder vs. the registry). This dispute resolution service operates approximately the same as the one already in existence for **.ch**, i.e. essentially according to the fundamental idea and legal concept of dispute resolution, as applied in Switzerland, and which are thus known.

#### 4.2.2.1 Names warranting protection in the view of the Confederation

The Confederation defines a central list of protected names in the ccTLD **.swiss**. Since this is managed by the Swiss Confederation, the Federal Government can easily reserve or block protected names.

### 4.2.3 Other gTLDs

The Federal Council decides on a case-by-case basis whether Switzerland will apply for the operation of other gTLDs within the framework of the ICANN liberalisation of the domain name market. An application is appropriate if it is made, in the view of the Confederation, on the basis of an overriding public interest. The Confederation does not pursue individual interests. For the Confederation, the operation of a register must cover its costs in the medium term.

## **4.3 gTLDs delegated to third parties**

### **4.3.1 Safeguarding public interests**

The representatives of Switzerland in international bodies for the governance and coordination of the internet use the processes and possibilities provided in order to safeguard the public interests of Switzerland. In this regard attention is paid in particular to the following circumstances:

- If the reputation of the Swiss Confederation as a whole is affected;
- If an economic sector which is regulated by a federal law in Switzerland and which is subject to the supervision of the Confederation is affected;
- If another sector is affected by overriding public interest.

In the latter two cases, the Confederation shall in principle take action only at the request of a representative of the sectors concerned. In principle it will not take action at the request of an individual enterprise.

On request, the Confederation supports the local and regional authorities of Switzerland in any strategy to defend their respective interests. For support in the implementation of these strategies and/or other services, the Confederation and the authority concerned shall conclude a service agreement.

### **4.3.2 Use of second-level domain names by the Confederation**

#### **4.3.2.1 Selection of appropriate gTLDs for registration**

The Confederation registers second-level domain names which it wishes to use, primarily in generic top level domains which have a non-commercial character. A registration in other registers takes place if registration provides added value for the Confederation.

The Confederation may also register second-level domain names in ccTLDs which are not used as such but as gTLDs, such as e.g. **.tv** or **.md**.

In principle it refrains from registering domain names below the ccTLD of other countries.

#### **4.3.2.2 Names warranting protection in the view of the Confederation**

The Confederation defines a central list of protected names which should be used if possible only by the Confederation. This list is amended and updated as necessary. The names fall into the following categories in particular:

- Names for the body politic
- Names for the federal institutions
- Names of federal councillors and federal chancellors
- Names of official buildings

#### **4.3.2.3 Blocking of registration**

It is not appropriate to arrange to reserve the cited names in all new gTLDs which are available or which will be available in future as a result of the liberalisation of the domain name market. Switzerland is therefore committed to arranging for these names to be blocked directly in the respective registers if possible. They will therefore not be available for use by a third party. However, this will not be possible in all registers. If it is not possible to protect the cited names by blocking them in the registers, the Confederation will register them for itself. In so doing, it selects only those gTLDs in which substantial damage could be caused to the reputation of Switzerland through a connection with the protected names.

If names which in the view of Switzerland are warranting protection are already assigned in a register, the Confederation attempts to retrieve these for itself via a legal action or a dispute resolution service. In exceptional cases an attempt will be made to reach an out-of-court agreement with the domain name holder. The principle of proportionality shall be taken into account.

## **5 Information from the Confederation**

The Confederation informs interested parties of developments in the international domain name system, in particular concerning new registration options. Whenever possible, existing information channels and bodies are used to do this.

## **6 Implementation of the Confederation's domain name strategy**

The implementation of the strategy will take place in a decentralised manner within the federal administration.

The Federal Chancellery (FC) maintains the central list of protected names in the individual top level domains, updates it as necessary and ensures the registration of the names.

The FC implements the procedures for the transfer of second-level domain names where the use of these by third parties might cause substantial damage to the Confederation.

The Federal Office of Communications (OFCOM) represents the Swiss Confederation in the Government Advisory Committee of ICANN. It ensures that the public interests of Switzerland are taken into account in the coordination of the internet and of critical internet resources.

OFCOM provides information to interested parties in an appropriate manner about the developments in the international domain name market. It accepts enquiries from local and regional authorities in Switzerland in relation to a possible strategy to defend their respective interests.

OFCOM supervises any federal candidatures for the delegation of new gTLDs in ICANN.

OFCOM designates the registry for **.ch**. It may, if necessary, assume the role of the registry. OFCOM operates **.swiss** as the registry on behalf of the Confederation, as well as any other gTLDs delegated to the Confederation.

The Swiss Federal Institute of Intellectual Property (Institut für Geistiges Eigentum (IGE)) provides basic assistance to federal agencies seeking the transfer of a domain name via a dispute resolution service or under civil law.

## 7 Annexes

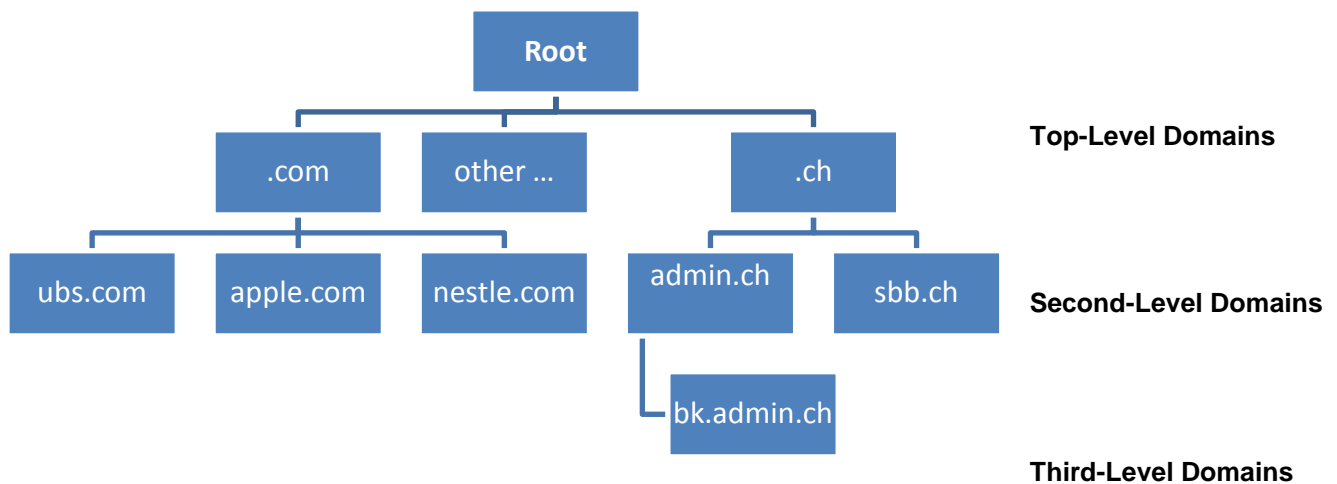
### 7.1 The domain name system

In order to enable information to be transmitted on the internet from one specific user to another, an addressing system is needed: the Domain Name System (DNS):

- any device connected to the internet has an exclusive numeric address, the so-called IP address.
- Since long series of numbers are not very user-friendly, a descriptive address can be additionally assigned. This is the case primarily with websites.

Example: the IP address of the website of the Swiss Federal Chancellery is 162.23.40.99; the descriptive address of this website is: [www.bk.admin.ch](http://www.bk.admin.ch)

The addressing system is hierarchically structured.



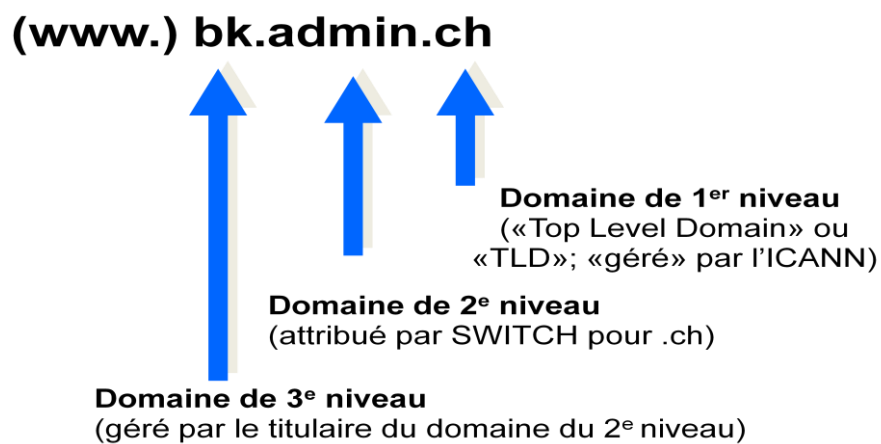
**Figure 1: Hierarchical structure of the domain name system**

At the top level a distinction is made between different types of top-level domains:

- The so-called "generic" domains (generic top level domain, **gTLD**) refer to categories of names valid worldwide and classified thematically (gTLD), or international organisations.
- The country-specific or geographic **ccTLDs** (country code TLD) also referred to as "national" ccTLDs correspond to different countries or territories; their names refer to abbreviations of country names in accordance with ISO standard 3166 (Codes for the Representation of Names of Countries). At present, there are 252 national domains. States are responsible for the administration of ccTLDs; Switzerland regulates the use of **.ch**.

The domains are managed by registries. These assign specific addresses within the domain (second level domain). Each second-level domain name is unique and can be registered only once in a top level domain (TLD). Holders of such addresses can assign subaddresses for their address (third level domain, third-level domain name). Using the example of .ch, the structure is as follows:





Top-level domain or TLD; "administered" by ICANN  
 Second-level domain (assigned by Switch for .ch)  
 Third-level domain (administered by the holder of the second-level domain)

**Figure 2: Hierarchical structure of the domain name system using the example of bk.admin.ch**

## 7.2 List of abbreviations

OFCOM	Federal Office of Communications
FC	Federal Chancellery
ccTLD	Country code top level domain, e.g. <b>.ch</b> for Switzerland, <b>.de</b> for Germany
DNS	Domain Name System
gTLD	Generic top level domain, e.g. <b>.com</b>
ICANN	Internet Corporation for Assigned Names and Numbers
IGE	Swiss Federal Institute of Intellectual Property
IP address	Address in computer networks based on the Internet Protocol
ISO	International Organisation for Standardisation
TLD	Top level domain