

Changes to the Rules for .uk Domain Names

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1. Introduction

The “Rules on Registration and Use of Domain Names” (usually just called “the Rules”) set out the basis on which applicants can register .uk domain names, see <http://www.nominet.org.uk/registrants/legal/rules/>

The purpose of this paper is to recommend changes to the current rules for the *.ltd.uk* and *.plc.uk* Second Level Domains and to amend a typographic error in the rules for the *.me.uk* Second Level Domain.

The Rules are part of the contract of registration, and we are therefore required (by condition 34) to publicly consult about any change to the Rules. It is proposed that due to the non-contentious nature of the proposed changes outlined in sections 2 and 3 below the consultation period should run for one month only.

2. *.ltd.uk* and *.plc.uk* Rules

The *.ltd.uk* and *.plc.uk* rules appear to contain a discrepancy in that, while the general requirement is for UK company status, companies registered in Northern Ireland are excluded.

The *.ltd.uk* and *.plc.uk* rules include this provision: “10.2.2. Registrants in *.ltd.uk* are required to be private limited companies, and registrants in *.plc.uk* to be public limited companies, registered under the Companies Act 1985 as amended from time to time.”

This has the effect of excluding companies registered in Northern Ireland, because companies registered there are registered under the Companies Act (Northern Ireland) 1960 and related legislation (as indeed is recognised in the *.net.uk* rules at 11.2.3.1). This seems to us to be an anomaly, as companies in the rest of the UK are not restricted in this way.

Since Companies House (for England and Wales) also keeps note of the names of Scottish and Northern Irish companies, and prevents the same name appearing on the register twice, there appears to be no reason for this provision and we propose changing it.

We therefore propose updating the requirements for *.ltd.uk* and *.plc.uk* to allow a fuller range of UK companies to register. The 1997 Rules (which as far as we are aware essentially explain the underlying policy thinking to this day) say that: “The *.ltd.uk* and *.plc.uk* domains are intended to allow a unique mapping between company names registered under the Companies Act with Companies House and a DNS name”.

The list of company names is kept by the registrar of companies under s.714 of the Companies Act 1985, and this list includes:

- all companies recognised by the Companies Act (which includes companies such as Community Interest Companies created by more recent Acts of Parliament);
- foreign companies registered with Companies House;

- NI companies;
- foreign companies registered in NI;
- incorporated and unincorporated bodies to which the Companies Act applies but which are unregistered;
- Limited Liability Partnerships
- Industrial and Provident Societies (and NI equivalents)

Therefore the 'uniqueness' of names goes far wider than just companies, and several of these other bodies are entitled to use 'Ltd' or 'Plc' in their titles. We therefore propose that the rules include all registered bodies entitled to use these designations.

In addition, there is a new Companies Bill before Parliament, so this provides an opportunity to future proof the rules by recognising future Companies Acts.

The new rule would be:

- 10.2.2. All registrants in ltd.uk and .plc.uk must be incorporated companies (not partnerships of any type or unincorporated companies) listed on the index of company and corporate names ('the Names Register') maintained under section 714 of the Companies Act 1985 (or later equivalents); and*
- 10.2.2.1 (for .ltd.uk domains) must be entitled to use 'Limited', 'cyfyngedig', 'ltd.' or 'cyf.' in their corporate name; or*
- 10.2.2.2 (for .plc.uk domains) must be entitled to use 'Public Limited Company', 'Cwmni cyfyngedig cyhoeddus' 'Plc.' or 'ccc.' in their corporate name.*

Later references in the rules to "the register at Companies House" would be replaced by "the list of active names on the Names Register".

This will continue to exclude:

- Friendly Societies.
- Most Industrial and Provident Societies which do not use 'Ltd' or are not companies.
- Corporations incorporated by Royal Charter or specific statutes.
- Unlimited companies (even those created under the Companies Act)
- Limited Liability Partnerships, Partnerships and Sole Traders.
- Non-UK companies not registered in the UK, or registered in the UK but not using 'Ltd'/'Plc'
- Private Community Interest Companies (which are not entitled to use Ltd)

It will include companies registered in England, Scotland and Wales, as before, but recognises more explicitly the rights of Welsh companies to use Welsh words.

It will include for the first time:

- companies registered in Northern Ireland;
- a handful of 'old' limited companies registered under previous Companies Acts etc which have never been updated;
- foreign companies that have registered with Companies House (or NI/Scots equivalents) as trading in the UK, if they are allowed to use Ltd/Plc (not all are);
- public community interest companies (under .plc.uk) – which did not exist when the .plc.uk rules were last updated;
- some industrial and provident societies which use 'Ltd' and which are companies; and
- companies registered under the future Companies Act which arises from the Companies Bill before Parliament and future NI acts on similar topics.

3. **.me.uk Rules**

Rule 4.4 of the rules suggest that there are no restrictions on the registration of *.me.uk* domain names. This is incorrect following changes made in October 2004 which introduced restrictions as to the type of registrant. Rule 4.4 should therefore be amended. This change simply requires paragraph 4.4.2 to be removed from the Rules so that we are left with the following:

4.4 We do not impose restrictions on your status as applicant for the registration of a Domain Name in the following SLDs ("Open SLDs"):

4.4.1 .co.uk; or

4.4.2 .org.uk.

In the SLD Charter of the SLD Rules for the Open SLDs we do set out certain intentions regarding the class of applicant or use of registrations of the Domain Name which we assume you will comply with when applying for a registration of a Domain Name within an Open SLD.

No further changes are proposed to the Rules.

4. Recommendation

The PAB is asked to consider the following resolutions:

"The PAB resolves that the rules for the *.ltd.uk* and *.plc.uk* Second Level Domains should be changed to permit registration by all bodies entitled by law to use *limited* or *public limited company* (as applicable) in their corporate name (including those entitled to use the abbreviations and/or Welsh equivalents) and recorded as such by the registrar of companies.

The PAB resolves to recommend that the typographic error in section 4.4.2 of the current Rules be corrected.

The PAB resolves to recommend that the consultation period on these changes should run for one month only."