

Bearing in mind the basic aim of the Serbian National Register of Internet Domain Names (hereinafter: RNIDS) to organise managing of the ccTLD, and based on the Rules on the Beginning of Operations of rsTLD Registry and the Termination of Operation of yuTLD Registry, the General Terms and Conditions for Registration of .rs

Domain Names and Technical and Administrative Conditions for Operation of Registrars of .rs Domains, at a meeting held on 27th February 2008 the Managing Board of RNIDS brings the

D E C I S I O N

on establishing the Transition Commission

Purpose

Article 1

(1) Bearing in mind that:

- yuTLD registry has been managed on a voluntary basis, with constant deficiency in human and financial resources, and equipment, without serious support of the Government and the Serbian Internet community;
- in such conditions and for the sake of protecting national resources, yuTLD registry enacted a restrictive policy of domain registration;
- because of this restrictive policy, local legal entities could not register more than one .yu domain and physical persons, who are citizens of Serbia, as well as foreigners could not register .yu domains at all, even when there were justified interests;
- because of the above mentioned circumstances, and because a significant number of registrants failed to notify the registry about modification of information important for the registration, the data in the base of yuTLD registry to a particular extent does not represent the actual relations in the local Internet community;
- because of this, automatic migration of domain names from yuTLD registry to rsTLD registry could lead to disturbances in the local Internet community.

(2) The Transition Commission (hereinafter: the Commission) is established to enable persons who are not registrants of .yu domains and those who are registrants of .yu domains but, according to rules of yuTLD registry could not be registrant of .yu domains, to register .rs domains with the same name as the current .yu domains, under the conditions of this Decision and during the initial phase of registering .rs domains.

Terms

Article 2

(1) Terms used in this Decision have the following meaning:

- *A reserved domain* is an .rs domain reserved in accordance with Article 4, Paragraph 3, Point 4 of the Rules on the Beginning of Operations of rsTLD Registry and the Termination of Operation of yuTLD Registry;
- *Information about the registration of a .yu domain* is information about the registration of a domain in the base of yuTLD registry;
- *The applicant* is a person who submits an application for registering a reserved .rs domain, in accordance with this Decision;
- *The registrant of a .yu domain* is a person who has registered a .yu domain.

Commission structure Article 3

- (1) The Commission is comprised of the President and two members, elected by the Managing Board of RNIDS.
- (2) The Commission is independent and free in its activities.
- (3) The Managing Board will elect members whose reputation and knowledge of the local Internet community will allow them to accurately assess the interest of the Internet community and enable independent and free activities of the Commission.
- (4) The Commission can engage external associates, elected by the Director of RNIDS, at a proposal of the President of the Commission.

Responsibility Article 4

- (1) The Commission decides on requests of the applicant, who is not a registrant of a .yu domain at the moment of submitting their application or is a registrant of a .yu domain but, according to rules of yuTLD registry at the moment of registration, could not be a registrant of a .yu domain.

Article 5

- (1) When deciding on a request, the Commission will primarily bear in mind the interest of the local Internet community.
- (2) When deciding on a request, the Commission will take into consideration all circumstances and primarily whether the applicant has used the .yu domain (electronic mail, Web site or other Internet services), whether by using some Internet service the applicant has realised revenue or performed some other permitted activity, whether the .yu domain has been registered through a failure of yuTLD registry and whether denial to register into rsTLD registry would baffle the justified expectation of the Internet user to display content linked with the .yu domain on the same .rs domain name.

(3) When deciding on a request, the Commission will require the applicant to prove to the Commission their relation with the .yu domain and provide the Commission with other information and documents significant for decision making.

The activity period of the Commission Article 6

(1) The Commission will accept requests of applicants from the beginning of .rs domain registrations to the end of the period of initial registration, in accordance with Article 5, Paragraph 1 of the Rules on the Beginning of Operations of rsTLD Registry and the Termination of Operation of yuTLD Registry.

(2) The Commission will function until it has made decisions about all requests received in the period defined in Paragraph 1 of this Article, but not after 90 days from the last day of this period.

(3) The Commission will cease to exist when the period defined in the previous Paragraph is terminated.

Decisions of the Commission Article 7

(1) When deciding on a request, the Commission can:

- accept a request and register an .rs domain, the owner of which will be the applicant;
- reject a request for registering a reserved .rs domain.

(2) The decision of the Commission represents a free estimation as to whether registering a required domain would be in the interest of the local Internet community, bearing in mind all circumstances of the case.

(3) It is not possible to seek a remedy against decisions of the Commission (complaint, plea, etc.).

(4) By submitting a request to the Commission, the applicant explicitly states that they are conscious that they do not have the right to register a desired registered .rs domain unless the Commission assess it to be in the interest of the Internet community, bearing in mind all circumstances of the case. The applicant also states that they will accept the decision of the Commission and that, against that decision, they will not initiate court or other procedures against RNIDS.

(5) The Commission will not resolve disputes and in case of a dispute it will instruct the interested parties to resolve the dispute before the court or arbitration.

Submitting and publishing decisions of the Commission

Article 8

- (1) The Commission informs the following persons about the decision via electronic mail: the applicant, contacts for the .yu domain stated in the application and the registrar which submitted the applicant's request to RNIDS.
- (2) The decision of the Commission is submitted to the archive of RNIDS.

Coming into force and beginning of implementation of this Decision

Article 9

- (1) This Decision will come into force and become effective from the day it was ratified by the Managing Board of RNIDS.
- (2) RNIDS will publish this document on its Web site.