

# MINISTRY OF SCIENCE AND EDUCATION

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Pursuant to Article 138, item 2 of the Electronic Communications Act (Official Gazette no. 76/22) and at the proposal of the Managing Council of the Croatian Academic and Research Network – CARNET, Minister of Science and Education, with the prior consent of the Minister of the Sea, Transport and Infrastructure and the State Secretary of the Central State Office for the Development of the Digital Society, adopts the following

## ORDINANCE

### ON THE ORGANIZATION AND MANAGEMENT OF THE TOP-LEVEL NATIONAL INTERNET DOMAIN

#### CHAPTER I

#### GENERAL PROVISIONS

##### *Area of Application*

##### Article 1

(1) The Ordinance on the organization and management of the top-level national Internet domain (hereinafter: the Ordinance) regulates the organization of the national domain area of the Republic of Croatia, the principles of management of the top-level national Internet domain, secondary domains and lower-level domains, mutual relations, rights and obligations of CARNET as an organization to which the competent international organization ICANN (*Internet Corporation for Assigned Names and Numbers*) has assigned the management of the .hr domain and domain users within the top-level national Internet domain, as well as other interested parties, and the procedure for resolving disputes related to the use of the national domain space of the Republic of Croatia.

(2) The terms used in this Ordinance, which have a gender meaning, refer equally to the male and female gender.

##### *Term Definitions*

##### Article 2

For the purposes of this Ordinance, certain terms shall have the following meanings:

- (1) "*top-level domain*" means the Internet domain for the Republic of Croatia (.hr);
- (2) "*domain*" means any domain registered and activated under a top-level domain, unless the term in this Ordinance explicitly refers to domains outside the Croatian domain area;
- (3) "*domain space*" includes a top-level domain and all domains within it;
- (4) "*secondary domain*" means a domain that is registered directly under a top-level domain;
- (5) "*lower-level domain*" means any domain that is registered under a secondary domain (.com.hr, .from.hr, etc.);
- (6) "*one-letter and two-letter domains*" are domains composed of one or two alphanumeric characters and contain a set of characters that make up digits and letters;
- (7) "*domains with diacritical characters*" means domains containing the signs: č, ć, đ, š and ž;
- (8) "*top-level domain management*" includes making decisions on the registration, activation, deactivation and deletion of domains within the domain space if the management of a particular part of the domain space is not left to the user or a third party on the basis of this Ordinance;

(9) "*domain registration*" means entry in the domain register;

(10) "*domain register*" means a domain database containing a list of the names of all registered domains and their users and other relevant data;

(11) "*domain activation*" means the connection of the data on the domain server of the registered domain with the data on the DNS server for the top-level domain;

(12) "*domain deactivation*" means the removal of the link of the domain server of the registered domain with the data on the top-level DNS server;

(13) "*domain deletion*" means the entry in the domain register that determines the termination of the user's right to use a particular domain, and thus makes the domain available for registration to other users;

(14) "*registrar*" means a legal or natural person performing an independent activity authorized to register and administer paid .hr domains on behalf of CARNET in accordance with Article 26 of this Ordinance, the registrar of the free .hr domains is CARNET;

(15) "*domains of special importance for the national information space*" include domains with contents that are particularly important for social and economic life at the level of the Republic of Croatia, domains that show the results of long-term projects and programs of national importance, domains that mark nationally significant domestic or international events and gatherings of lasting importance, and other domains that are of particular importance for the information space of the Republic of Croatia.

### *Application of International Standards*

#### Article 3

(1) In applying this Ordinance, CARNET will take into account internationally accepted management standards defined in the acts of organizations and bodies responsible for domain management in the world, and is authorized to cooperate with these organizations and bodies, participate in the work of joint domain management bodies and acquire rights and assume obligations based on contracts with them.

(2) Contracts with the organizations and bodies referred to in item 1 of this Article shall be concluded by the CARNET Director at the proposal of the Committee for Management of the .hr domain.

### *Means of implementation of the Ordinance*

#### Article 4

The implementation of this Ordinance shall be ensured at the expense of state budget funds within the CARNET budget.

### *Committee for Management of the .hr Domain*

#### Article 5

(1) The Committee for Management of the .hr domain (hereinafter: the Committee) is responsible for making decisions in the area of application of this Ordinance if an individual decision is not placed under the jurisdiction of another person or body by this Ordinance.

(2) The Committee is an independent expert body composed of five members from the ranks of recognized experts in the fields relevant to the application of this Ordinance.

(3) CARNET publishes a public invitation for the candidacy of the members of the Committee appointed by the CARNET Managing Council for a period of four years, and the members elect a president from among themselves.

(4) Under the supervision of the Committee, certain actions related to the management of the national domain are taken by the CARNET.

(5) The Committee can authorize CARNET to make certain decisions in its area of competence,

except for decisions that, according to this Ordinance, are under the exclusive competence of the Committee.

(6) If, based on item 5 of this Article, the CARNET has decided on a particular issue within the competence of the Committee, the user has the right to submit a counterfeited to the Committee within eight days of receiving the CARNET's decision.

(7) Members of the Committee are entitled to remuneration in the amount determined by the CARNET Managing Council.

## CHAPTER II

### TOP-LEVEL DOMAIN MANAGEMENT PRINCIPLES

#### *A Top-level Domain as an Element of National Recognition*

##### Article 6

(1) Managing a top-level domain as an element of national recognition is an activity of general interest that requires special attention and care in order to harmonize the interests of individual users with the interests of third parties and society as a whole.

(2) An international non-profit organization for coordination of the domain system ICANN has assigned CARNET a role to manage the top-level national Internet domain of the Republic of Croatia.

#### *Virtual Space Orderliness*

##### Article 7

Due to the visibility and orderliness of the domain area, there have been determined domain types and rules according to which they can be registered, activated, deactivated, used and deleted.

#### *Time Priority Right*

##### Article 8

If, in accordance with the provisions of this Ordinance, a request for the registration of a particular domain name is made by more than one person, priority shall be given to the request that is first received.

#### *Acquired Rights Protection*

##### Article 9

(1) CARNET will respect and protect the rights of domain users.

(2) Once registered, the domain will not be deleted before the expiration of the period for which it was registered if the user uses it in accordance with this Ordinance.

(3) By way of derogation from item 1 of this Article, in the interest of the orderliness of the domain space at the proposal of the Committee, the Director of CARNET may decide to terminate the right of users to use a particular domain or domains in order to register them and use them for special purposes of general interest or to re-register certain types of domains in accordance with the general rules for easier visibility, usability and better organization of the domain space.

(4) In the event that, pursuant to item 3 of this Article, the right to use a particular domain ceases, the user has the right to register and use, without special compensation and other costs, another appropriate domain.

#### *Public Nature*

## Article 10

- (1) In the implementation and application of this Ordinance, CARNET acts publicly.
- (2) The domain name registry is public and available online.
- (3) When registering a domain, the following data necessary for the proper functioning of the .hr registry and the protection of the legitimate interests of third parties must be collected from the user:
  - registered domain name;
  - name of the user;
  - address of the user (postal address and electronic mail address);
  - the date of registration and the status of the domain;
  - explanation of the registration application if necessary for a particular type of domain;
  - domain servers competent for the domain.
- (4) The manner of collecting, processing, using and publishing data is governed by the CARNET General Terms and Conditions.

## CHAPTER III

### DOMAIN REGISTRATION

#### *Registration Procedure*

#### Article 11

- (1) The right to use a domain is acquired by registering a domain.
- (2) The registration process begins with the submission of an application for the registration of a free domain to CARNET or a paid domain to authorized registrars.
- (3) Free domains are registered for a period of one year from the date of domain registration and the user can renew the registration for each subsequent period of one year.
- (4) Paid domains can be registered through the registrar for a period of one, two or five years from the date of registration of the domain, and at the request of the domain user, the registration of a paid domain can be renewed for an additional period of the same or different duration.
- (5) Single-letter and two-letter .hr domains are registered exclusively as paid, and the fee is determined in accordance with the price list defined in the Ordinance.
- (6) On submitted applications shall be decided in the order in which they are being received.
- (7) In the process of registration, users are, as a rule, communicated in electronic form.
- (8) All or part of the registration documentation may only be stored and kept electronically under the condition that evidence is provided that the document stored is identical to the original.
- (9) Documents stored in this way are used instead of the original documents.

#### *Applicant*

#### Article 12

- (1) The application for the registration of a free secondary domain may, under the conditions set out in this Ordinance, be submitted by legal entities registered in the Republic of Croatia and natural persons with a registered independent activity in the Republic of Croatia.
- (2) Pursuant to this Ordinance, the application for registration of a paid secondary domain may be submitted by:
  - Legal entities with a place of business in one of the member states of the European Union;
  - Natural persons, citizens of one of the European Union Member States who possess a Personal Identification Number (PIN) issued by the competent authority of the Republic of Croatia.
- (3) The application for the registration of a free lower-level domain (.from.hr) can be submitted by natural persons with permanent residence or citizenship in the Republic of Croatia,

unambiguously identifiable by Personal Identification Number (PIN).

(4) All legal and natural persons can apply for the registration of a lower-level paid domain (.com.hr).

(5) CARNET shall have the right to register and use the domains necessary for the implementation of this Ordinance or the realization of the CARNET's activities or under its jurisdiction.

## *Domain Name*

### Article 13

(1) A domain name consists of a string of at least one and up to 63 characters that consist of:

- Letters of the Croatian and English alphabet, whereby there is no difference between uppercase and lowercase letters; numbers from 0 to 9;
- The hyphen character (-) whereby the hyphen must not be the first or last character in the name, nor must it appear in two consecutive places.

(2) It is possible to register secondary domains composed of one or two alphanumeric characters (single-letter and two-letter) and secondary domains with diacritical characters. A domain name cannot be the same as the already registered domain name.

(3) The domain name may not impersonate or appropriate the identity of third parties to the domain user, nor may it be identical or confusingly similar to the name, name or sign to which the user has no right or legitimate interest.

(4) If, in deciding on the registration of paid domains, the competent person suspects that the case referred to in item 3 of this Article has been acted upon, the competent person shall forward the application for registration to the Committee which shall make a final decision thereon.

(5) The domain name should also meet the special requirements for the name of individual domain types in accordance with the Articles 15 and 16 of this Ordinance.

(6) CARNET shall deny the registration or disable the use of domains whose name is contrary to item 1, item 2 and item 3 of this Article or other provisions of this Ordinance relating to the composition and organization of the domain name.

(7) In the event of a dispute, a third party who considers that the user has registered a particular domain contrary to item 3 of this Article may initiate an arbitration according to the provisions of this Ordinance.

## *Types of Secondary Domains and the Period of their Registration*

### Article 14

(1) The following can be registered as secondary domains:

- Free secondary domains;
- Paid secondary domains.

(2) Free secondary domains are registered free of charge for registration and use for a period of one year.

(3) The user can renew the registration of an already registered domain.

(4) Paid secondary domains are registered, according to the user's choice, for a certain period of time.

(5) The registration of these domains may, at the request of the user, be renewed for a further period of the same or different duration.

(6) Renewal of registration of once registered domains may be denied only for the reasons prescribed by this Ordinance.

## *Domains for the Virtual Identity of Legal Entities*

#### Article 15

(1) Legal entities referred to in Article 12, item 1 of this Ordinance, have the right to register one free secondary domain to acquire their virtual identity.

(2) The domain name referred to in item 1 of this Article must include one of the following options:

- A name registered in the competent register or
- Abbreviated name registered in the competent register or
- Abbreviation of the initial letters or syllables of the multi-part name registered in the competent register.

(3) The user has the right not to use diacritics in the domain name.

#### *Domains for the Virtual Identity of Natural Persons with a Registered Independent Activity*

#### Article 16

(1) Natural persons referred to in Article 12, item 1 of this Ordinance who are performing independent activities in the Republic of Croatia shall have the right to register one free secondary domain by which they achieve a virtual identity of the registered independent activity.

(2) The domain name referred to in item 1 of this Article must include one of the following options:

- A name registered in the competent register or
- Abbreviated name registered in the competent register or
- Abbreviation of the initial letters or syllables of the multi-part name registered in the competent register or
- An indication of the activity and the name, surname or name and surname.

(3) The user has the right not to use diacritics in the domain name.

#### *Domains of State Bodies and Units of Local and Regional Self-government*

#### Article 17

With the approval of the Committee, state bodies and units of local and regional self-government in the Republic of Croatia may register a larger number of free secondary domains for the realization of their virtual identity or domains of special importance for the national information space.

#### *Lower-level Domains*

#### Article 18

(1) Lower-level domains (.com.hr, .from.hr and other similar domains) are registered within secondary domains.

(2) As part of the lower-level domains, CARNET continuously enables the appropriate exercise of the right of natural persons to a virtual identity in accordance with the provisions of Article 16 of this Ordinance.

### CHAPTER IV

### RIGHTS AND OBLIGATIONS OF USERS

#### *Domain Usage*

#### Article 19

(1) Under the terms of this Ordinance, the user has the exclusive right to use the registered domain, organize it and design and control its content and is responsible for the content on the

domain.

(2) The user has the right to request the deactivation of the domain or its deletion from the register.

(3) CARNET is authorized upon official duty to delete domains whose users have died or ceased to exist, except in the case referred to in Article 24, item 1 of this Ordinance.

### *Opening Lower-level Domains*

#### Article 20

(1) The user can open subdomains under the registered domain, organize them and manage the contents of these domains.

(2) The user can give the lower-level domains opened under his registered domain to third parties for management and use, but in relation to CARNET, the user is still responsible for such domains.

### *Commitment to Loyal Cooperation*

#### Article 21

(1) The user is obliged to cooperate with CARNET and accept its technical instructions and recommendations.

(2) The domain user is obliged to regularly inform CARNET of any change in data relevant to the registered domain, and in particular of changes in their legal status, address and persons authorized to represent the user.

### *Prohibition of Abuse of Rights*

#### Article 22

(1) The domain users and other persons are obligated to use their rights of this Ordinance in accordance with the principles of good faith and fair dealing and refrain from abusing them.

(2) CARNET is authorized to deny the registration of an individual domain to a person who acts contrary to the provision of item 1 of this Article.

(3) CARNET is authorized to temporarily deactivate the domain in the following cases:

- At the request of the National CERT;
- At the request of other authorized bodies;
- If there is a serious suspicion that the user has registered the domain contrary to this Ordinance or has violated the rights of third parties by registering or using it where further use of the domain could cause serious damage difficult to compensate CARNET or third parties;
  - If the user does not act in accordance with his obligations referred to in Article 21 of this Ordinance;
  - In other cases where particularly legitimate interests demand it.

(4) In the decision on temporary deactivation, CARNET is authorized to order the domain user to implement measures to eliminate the deficiencies that are the reason for deactivation and to set an appropriate deadline for acting on that order.

(5) Temporary deactivation lasts until it is acted upon by CARNET, until other disputed issues are resolved or until its further application is no longer necessary for other reasons.

(6) CARNET is authorized to delete the domain free of charge:

- When registered contrary to the provisions of item 1 of this Article;
- When used contrary to the provisions, sense and purpose of this Ordinance;
- If its user fails to comply with the order referred to in item 4 of this Article.

(7) CARNET is also authorized to make other changes to the domains.

(8) CARNET is authorized to take other measures against persons who violate the provisions of

this Ordinance, i.e. item 1 of this Article, in accordance with the law.

### *Termination of Domain Usage Rights*

#### Article 23

The user's right to use the domain ceases when the domain user ceases to exist, or when the domain is deleted from the domain register in accordance with the provisions of this Ordinance.

### *Transfer of Rights to Registered Domain*

#### Article 24

(1) In the event of death, termination of existence, status changes or other legal changes in relation to the user of the free and paid domain or the right to the content of the registered domain, at the request of the user or his legal successor, the procedure of changing the user shall be carried out.

(2) During the registration period, the user of the paid domain may request a change of the domain user in favour of a third natural or legal entity for a fee.

(3) The process of changing the user is not possible at the same time as changing the domain registrar.

### *Domain Usage Fees*

#### Article 25

(1) For registration and usage of the paid domains and changes of the user of paid domains a fee shall be charged in accordance with the Price list brought by the CARNET Managing Council at the proposal of the Committee.

(2) The Price list is published on the CARNET website.

(3) Revenues generated from domain registration are assigned revenues of CARNET used for the purposes of maintenance and improvement of the domain management system, which includes the development of infrastructure, application support for the system operation, worker's wages employed in the system support, the work of Committee and individual arbitrators (hereinafter: Arbitrator) and other related activities.

### *Other Authorized Registrars*

#### Article 26

(1) CARNET may, on the basis of a contract concluded in accordance with publicly announced and substantially equivalent criteria and conditions, transfer certain domain registration activities from its scope to legal entities and natural persons with independent activity who have their registered office in the European Union.

(2) Of the transfer stated in item 1 of this Article the decision is to be brought by the CARNET Managing Council at the proposal of the Committee.

(3) Registration and deletion of the following domains may be transferred to third parties:

- Secondary domains stated in Article 12, item 2;
- Lower-level domains stated in Article 12, item 4 of this Ordinance.

(4) The authorized registrar stated in item 1 of this Article shall comply with the provisions of this Ordinance, decide on the submitted applications in a timely manner and fulfil other obligations under CARNET.

(5) In the event of a violation of the provision referred to in the item 4 of this Article, the right referred to in item 1 of this Article may be revoked without compensation.

## *General Provisions*

### *Article 27*

(1) A third party may initiate arbitration under the provisions of these Arbitration Rules if it considers that all of the following conditions are met:

1. If the domain name is identical or confusingly similar to a name to which the third party is entitled (e.g. the right to a copyrighted name or a sign);
2. If the domain user has no right or legitimate interest in using the domain of such name;
3. If the domain user has registered a domain that they use contrary to the principle of good faith and fair dealing.

(2) According to the arbitration rules of this Ordinance, other disputes about the right to use a certain domain may be resolved between third parties and domain users arising from the application of the provisions of this Ordinance.

(3) The initiation and conduct of arbitration in accordance with these arbitration rules shall not be considered a waiver of the right to legal protection in other proceedings, judicial or arbitral.

(4) Any initiation and conduct of other proceedings, judicial or arbitral, on the same matter between the same parties shall not affect the possibility of initiating, conducting or terminating the proceedings on the merits in accordance with the provisions of the arbitration rules of this Ordinance.

(5) By way of derogation from the provision stated in the item 4 of this Article, if the conduct of arbitration proceedings in a particular case would not be effective or appropriate due to all the circumstances of the case, a decision may be made to reject the request or, if the procedure has already been initiated, to suspend it temporarily or permanently.

(6) For the duration of the arbitration, CARNET may not, without the approval of the Committee and the Arbitrator, carry out any change, of an administrative or technical nature, in relation to the domain to which the arbitration claim relates.

(7) If the final decision determines changes in the status of the domain, CARNET shall implement such a decision within three days.

(8) The decision referred to in the item 5 of this Article shall be made by the Committee until the appointment of the Arbitrator, and after the appointment shall be made by the Arbitrator.

## *Deciding on Arbitrary Proceedings*

### *Article 28*

(1) If the arbitration pursuant to the provisions of these arbitration rules establishes that the conditions referred to in Article 27, item 1 have been met or in the event of a dispute referred to in Article 27, item 2 the right of the third party has been violated, the decision shall be made to revoke the user with the right to use the domain for which the proceeding is taking a place and shall appoint the right to use the domain to the applicant, or a decision shall be made to delete the domain if the applicant does not fulfil the right to the registration of the .hr domain.

(2) In the event of non-compliance with the conditions of Article 27, item 1 a decision shall be made to reject the applicant's application.

(3) In arbitration proceedings under the provisions of this Ordinance, no other decisions can be made, in particular decisions on the compensation of contractual or non-contractual damage, decisions by which the domain user is found to do something, suffer or miss, decisions on the reimbursement of the proceeding costs and the similar unless the parties to the proceedings conclude a valid arbitration agreement authorizing the Arbitrator or Arbitrators to make such a decision.

## *An Amicable Dispute Settlement*

### *Article 29*

The Arbitrator is authorized to encourage a peaceful resolution throughout the proceeding. For this purpose, they are authorized to advise the Parties, to encourage direct negotiations between them and

make proposals for a possible amicable solution.

### *Suspension of the Procedure*

#### Article 30

(1) If the parties reach an amicable settlement during the proceedings, the Arbitrator shall record the content of their agreement, notify the Parties and the Committee and suspend the proceedings.

(2) The Arbitrator may, with the approval of the Committee, suspend the proceedings if its conduct becomes impossible or unnecessary for any other reason.

### *Arbitrators*

#### Article 31

(1) The arbitration shall be carried out by the individual (hereinafter: Arbitrator) who is appointed by the Committee from the list of Arbitrators.

(2) With the approval of the Committee, the Parties may by mutual agreement determine a different number of Arbitrators and the manner of their appointment.

### *Appointment of an Arbitrator*

#### Article 32

(1) CARNET publishes a public invitation for the candidacy of the Arbitrators. The Managing Council appoints the Arbitrators to a list for a period of four years at the proposal of the Committee.

(2) Arbitrators are appointed from the ranks of independent experts, and in particular from the ranks of persons with the legal knowledge and knowledge in the field of information and communication technology necessary for deciding in disputes on Internet domain names.

(3) Before it is established that the applicant has paid the amount stated in Article 42, item 2 the appointment of an Arbitrator shall not take place.

(4) By accepting the appointment, the Arbitrators assume the following obligations:

- To take over the cases assigned to them by the Committee as soon as possible and in accordance with the provisions of this Ordinance, unless they have a valid reason that prevents them from acting in a specific case, of which they will inform the Committee and the parties in a timely manner;
- To notify the Committee without delay of any changes to their personal data.

(5) The list of Arbitrators shall be published on the CARNET website.

### *Independence and Impartiality of the Arbitrator*

#### Article 33

(1) The Arbitrator must be independent and impartial with respect to the Parties to the proceedings.

(2) At the time of taking over the case, the Arbitrator shall make a statement of independence and impartiality in relation to the Parties to the proceedings.

(3) If there are any circumstances that could prejudice its independence and impartiality, irrespective of when they arise, the Arbitrator is obligated to inform the Parties and the Committee thereof.

(4) The Committee may, taking into account all circumstances, at the request of the Arbitrator or upon official duty appoint another person instead of the appointed Arbitrator.

### *Effectiveness and Expertise in Resolving Arbitration Cases*

#### Article 34

(1) The Arbitrator is obligated to solve the case in an effective and expert manner within a certain

period.

(2) The Committee may dismiss the Arbitrator not in compliance to his duties and instead, appoint another Arbitrator.

(3) The arbitrator shall conduct the proceedings in a manner that he considers effective and appropriate, having in mind the following principles:

- The proceedings must be completed no later than 60 days from the date of the submission of the case to the Arbitrator;
- The procedure is, as a rule, conducted on the basis of documents and other written documents, and not on the basis of an oral hearing;
- The purpose of the procedure is to regulate the relations of the Parties in a prompt and effective manner;
- Any delay in the proceedings should be avoided, but any Party to the proceedings must be given the opportunity to give a statement on the subject matter of the dispute;
- If the arbitrator determines that it is necessary to present any of the proposed evidence, he shall determine a deadline for its presentation, and if the evidence has not been presented by that time, he shall continue the proceedings on the basis of available data, documents and other evidence.

### *Exemption of the Arbitrator*

#### Article 35

(1) Due to the important reasons the Parties may require an exemption of the Arbitrator.

(2) The Committee decides on the request for exemption, and the decision of the Committee is final.

(3) The submission of an exemption request does not prevent the Arbitrator from continuing to take action in the proceedings, but cannot make a decision before the Committee decides on the exemption request.

### *Arbitrator's Remuneration*

#### Article 36

The Arbitrator has a right to remuneration for his work in the amount determined in accordance with the regulations of Article 50, item 2 of this Ordinance.

### *Submission of Request for Initiation of Arbitration*

#### Article 37

(1) The request to initiate arbitration (hereinafter: the Request) shall be submitted in electronic form, and exceptionally in the paper form by registered mail to CARNET.

(2) The Applicant submits the Request in the form of an electronic message which attachment holds the completed form for initiating the procedure and the documents available to the Applicant in electronic form (documents, confirmation of advance payment of the costs of the procedure, etc.).

(3) In exceptional cases, when the Request is submitted in the paper form by registered mail, and the applicant is a natural person, then the Applicant is obligated to sign it in person.

(4) If the applicant is a legal entity, the application must be signed by the responsible person of the legal entity, with a legible indication of the name and position of the signatory.

(5) All relevant documents submitted with the Request in the paper form shall be submitted by the Applicant with the signed Request in three copies, otherwise, it will be considered that the documents were not submitted.

(6) If more than one Party participates in the proceedings, the number of copies shall be increased so that one copy shall be available for each of the opposing parties, the Arbitrator and the archives of

the Committee.

(7) Except in the case stated in the items 3 i 4 of this Article, communications in electronic or the paper form generally do not need to be specifically certified, but the Commission or the Arbitrator may, if necessary, determine that messages, communications or attached documents are sent or subsequently confirmed in a form that enables the identification of the sender (digital or handwritten signature, authentication of the public notary, etc.).

### *Indication of the Subject and Referral to other Participants*

#### Article 38

(1) Messages and communications in arbitration proceedings must contain an indication of the subject matter referred to, and in electronic messages, such an indication is entered in the title of the message.

(2) The Party is obliged to send all messages and communications to the opposing Party, the Committee and the Arbitrator at the same time.

(3) All messages and communications shall be addressed by the Arbitrator to both Parties at the same time, and a copy to the Committee.

### *Delivery and Communication*

#### Article 39

(1) All notices and communications relating to the arbitration proceeding shall be delivered by the Committee or the Arbitrator, as a rule, by electronic mail to the address indicated by the Party or other participant in the proceeding.

(2) If the Applicant has not provided their return address in the submission, the delivery shall be made to the address from which the reply message was received.

(3) If the address related to item 2 of this Article is missing or cannot be determined, delivery shall be made to the last known address or the address known to the Committee as the registered address of the addressee.

(4) Delivery, based on the decision of the Committee or the Arbitrator, may also be made to another address that, in the circumstances of the case, can reasonably be considered to be the address of the addressee or the address used or managed by the addressee.

(5) In addition to the electronic message, the addressee will be asked to confirm receipt of the message.

(6) If the confirmation stated in the item 5 of this Article does not arrive earlier, the Party shall be deemed to have learned of the content of the notice or communication sent no later than 48 hours after such notice or communication was sent by electronic mail.

(7) Other means of communication may be used in communication with the Parties and other participants in the proceedings if the Committee or the Arbitrator deems this necessary and justified.

### *Delivery of the Request to the Domain user*

#### Article 40

(1) When submitting the Request to the domain user for the first time with an electronic message about the initiation of the procedure, confirmation of the receipt of the message will be requested and he will be asked to specify the address for electronic messages as well as the address for the receipt of documentation in the paper form.

(2) If the delivery of the Request is not possible in electronic form, it will be executed in the paper form by registered mail.

(3) In addition to the notification, the user will be warned that further communications will, as a rule, be made only by electronic mail.

(4) In exceptional cases, communications will be delivered by registered post.

(5) If it cannot be determined whether the message was received or if it was found that it could not be delivered, the notice of initiation of the procedure will be published on the CARNET website and it is considered that the delivery of the notice of initiation of the procedure was duly carried out.

(6) If the documentation sent by post is returned to the Committee for any reason, the delivery will not be repeated, but an electronic message will be sent to the addressee stating where and when it can pick up the shipment, and thus it shall be considered that the delivery was made.

### *Initiation of Arbitration*

#### Article 41

(1) Arbitration proceedings in accordance with the provisions of Article 27 of this Ordinance shall be initiated by the Request.

(2) The Request, as a rule, refers to one domain.

(3) Exceptionally, the Request may also apply to several domains if the conditions for conducting the procedure are met in respect of each of them if the Request is based on substantially the same factual and legal basis and if the same user has the right to use it on all domains.

### *Advance Payment of Costs*

#### Article 42

(1) The Request shall be submitted to CARNET in writing, using a form published on the CARNET website.

(2) When submitting the Request, the applicant should submit evidence that they have paid the amount determined in accordance with the Price list found on the CARNET website.

(3) After the advance payment of the costs of the arbitration proceedings, the Committee shall submit to the Arbitrator a case file that includes a copy of all messages and communications received so far in that case and invite him to start the arbitration procedure.

### *Contents of the Request*

#### Article 43

The Request must clearly and unambiguously state:

- The applicant's full name and postal address, telephone number and electronic (e-mail) address;
- The precise designation of the domain to which the Request relates and the name or title of its user or person presumed to be using it;
- Stated reasons for submitting the Request in accordance with Article 27 of this Ordinance and evidence for these allegations;
- A Request to make a decision that deprives the user of the right to continue using the domain and/or any other Request submitted in accordance with the provisions of this Ordinance;
- attempts by the Applicant to reach an amicable settlement of the dispute;
- any other proceedings (judicial, administrative or arbitral) that are conducted or are conducted on the subject of the dispute or in connection with it.

### *Evidence*

#### Article 44

(1) If the Applicant proves the allegations with documents, he is obliged to submit them with the Request.

(2) If the Applicant considers that there are justified reasons for which it is necessary to present some other evidence, he must specify such a proposal in a specific and complete manner in his Request and describe in detail the reasons why the presentation of such evidence would be necessary

and why they were not submitted with the Request.

- (3) Subsequent evidentiary proposals will not be accepted.

### *Assessment of Request Admissibility*

#### Article 45

(1) Requests not submitted in accordance with Articles 42 and 43 of this Ordinance shall be rejected by the Committee.

(2) If the Request is complete and admissible, the Committee shall appoint an Arbitrator and inform both Parties of the appointment made.

### *Response to the Request*

#### Article 46

(1) The request for the implementation of the arbitration procedure will be submitted to the domain user and he will be invited to submit a response to it within eight days.

(2) If the domain user does not submit a response without a justified reason, the arbitration procedure will continue.

(3) To the response to Request relative regulations are applied related to the Request for Initiation of the proceeding.

### *Intervener*

#### Article 47

(1) For important reasons or at the request of both Parties, the Committee may allow any other person who has a justified interest in the outcome of the dispute to participate in the proceedings as an Intervener.

(2) The Intervener has the right to make a statement on the Request allegations and the Request response and has the right to be informed about other actions in the procedure as well as the right to be provided with the brought decisions.

### *Delay in Decision Making*

#### Article 48

(1) The Arbitrator may delay the making of the decision if he invites one or both Parties in proceeding to carry out certain actions in the interest of an amicable solution and for that purpose determines a deadline of the delay.

(2) In the event of a delay referred to in the item 1 of this Article, the duration of the delay shall not include the deadline for the completion of the procedure stated in Article 34, item 3, paragraph 1 of this Ordinance.

### *Arbitrary Decision*

#### Article 49

(1) The arbitration decision shall be made and drafted in writing and shall be reasoned unless otherwise agreed by the Parties.

(2) The arbitral decision must also indicate the names of the Parties and the Arbitrator, the date of adoption and the exact content of the operative part of the decision.

(3) The draft decision prepared in accordance with the item 1 and the item 2 of this Article shall be submitted by the Arbitrator to the Committee for confirmation.

(4) The Committee may, without violating the arbitrator's freedom to decide on substantive issues, determine modifications regarding the form of the draft decision.

(5) The arbitration decision is valid when it is signed by the Arbitrator and the President of the Committee and submitted to the Parties and CARNET.

(6) The arbitral decision shall not be delivered to the Parties or enforced until the costs of the arbitral proceedings have been fully settled.

(7) Arbitration decisions deciding on merits issues shall be published with appropriate anonymization in full text on the CARNET website.

(8) The arbitration decision shall be final.

### *Costs of Arbitration Proceedings*

#### Article 50

(1) The costs of conducting the arbitration proceedings (administrative costs, arbitrators' fees, material and other expenses incurred during and in connection with the proceedings) shall be borne by the Applicant.

(2) When submitting the Request, the applicant shall pay the registration fee and the advance payment of the arbitrator's fee in accordance with the Price list, which shall be adopted by the CARNET Managing Council at the proposal of the Committee.

## CHAPTER V

### TRANSITIONAL AND FINAL PROVISIONS

#### Article 51

Natural and legal entities who are users of domains registered before the entry into force of this Ordinance, who do not meet the requirements of Article 12, item 2 of this Ordinance, have the right to continue to use the previously registered domain in accordance with the provisions of this Ordinance as long as they duly renew its registration.

### *Entry into Force*

#### Article 52

On the date of entry into force of this Ordinance, the Ordinance on the organization and management of the top-level national Internet domain (Official Gazette no. 38/10, 81/15, 5/17) shall cease to be valid.

#### Article 53

This Ordinance shall enter into force on the eighth day of its publication in the Official Gazette.

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Zagreb, 15th June 2023

Minister

**prof. Radovan Fuchs, PhD, duly signed**