

## **Main Identity**

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**From:** "Zoran Torbica" <ztorbica@cri.rs>  
**To:** "Radna grupa za dokumentaciju" <wgdoc@mail-server.rnids.rs>  
**Sent:** Friday, February 13, 2009 9:49 PM  
**Subject:** [Wgdoc] Izdvojeno misljenje clana RG

Postovane kolege,

Molim Vas da uvazite moje raloge da izdvojim misljenje i da ga objavite u celosti kao izdvojeno misljenje u zakljucima koji se dostavljaju skuspstini.

Misljenje:

Smatram da se RG bavila stvarima koje nisu bile u mandatu RG i ne slazem se sa zakljuckom RG u potpunosti.

Veci deo zakljucaka se vec nalazi u aktima RNIDS-a i/ili se nalazi u opisu radnih obaveza direktora RNIDS-a.

Zakljucak i obrazlozenje po pitanju ukidanja obaveze dostavljanja "skenirane" dokumentacije:

- ukidanje dostavljanja "skenirane" dokumentacije - promene pravilnika RNIDS-a u duhu odluke obrazlozenje:

"skenirana" dokumentacija je uvedena kao kompromis izmedju dostavljanja "original" dokumentacije postom i registracije domena bez proratne dokumentacije.

zagovornici zadrzavanja "skenirane" dokumentacije navodili su dva razloga

1. preregistracija sa yu na rs
2. da ima "nesto" ako "neko" zatrazi - navodeci policiju, tuzilastvo, sudstvo...

Preregistracija je vec obavljena, a koliko su se OR-ovi i komisija oslanjala na "skeniranu" dokumentaciju a koliko na ostale

nacine provere to je pitanje...

Sto se tice drugog razloga, mogu da zamislim ozbiljnu istragu koja se zasniva na "skeniranoj" dokumentaciji...

Siguran sam da organi znaju svoj posao, a ukoliko se obrate OR-ovima, dobice mnogo egzaktnije podatke, logove i sl.

Zasto ukinuti dostavljanje "skenirane" dokumentaciju:

1. Zato sto OR-ovi u praksi vrse razumnu proveru na vise nacina, prate tokove novca i dostupne online baze, koriste logicne kontrole prilikom alfanumerickog unosa podataka.

- OR mora identifikovati pravno lice da bi mogao da izda valjan racun
- U slucaju placanja karticama preko Interneta jos lakse je utvrditi identitet
- prilikom uplate fizickih lica preko banaka i poste, lica se legitimisu prilikom uplate novca
- OR koji imaju saltere legitimisu lica na licu mesta

2. Zato sto je postojeci akt u suprotnosti sa Zakonom o zastiti podataka licnosti i to cini mi se kao laiku po bar 2 osnova kad su fizicka lica u pitanju

- prikupljanju podataka u vecoj meri nego sto je potrebno
- naime lice unosi podatke u alfanumerickom obliku i salje u skeniranom dokumentu iste te podatke, dakle 2 puta iste podatke!

- Zakon propisuje da postoje bezbedonosne procedure oko prikupljanja, obrade, skladistenja i slanja podataka...

U OR barem 100 ljudi ima direktan kontakt sa skeniranim licnim kartama, koje stoje koznagde po kancelarijama ili na serverima...

Tu se otvara mogucnost kradje identiteta i do najrazlicitijih zloupotreba...

<http://www.escort.co.rs/poverenik/images/stories/dokumentacija-nova/zakon-o-zastiti-podataka-o-licnosti.pdf>

3. Zato sto je najveći interes vlasnika domena da ima ispravne podatke, u slucaju da nema, domen se brise!

4. Zato sto je dostavljanje "skenirane" dokumentacije jedan od dva razloga zasto RS domen nije popularan koliko bi trebalo.

Drugi razlog je visoka cena domena. Nadam se da ce u martu biti napravljena projekcija posle pocetka obnove i da ce biti moguće i smanjiti cenu domena...

5. Zato sto najveći i najmoderniji registri ne prikupljaju "skeniranu" dokumentaciju. Cinjenica da poredeci sa regionom smo najliberalniji ali, to i nije neko poredjenje ;)

A da vidimo kako to rade veci i stariji (i lepši) ccTLD registri

Kada sam za prošlu skupštinu RNIDS spremao predlog za ukidanje obaveze dostavljanja dokumentacije, na brzinu sam izvukao primere nekoliko ccTLD registara (.eu, .at, .ch, .de, .uk, .cz, .be, .cn, .us, .lv, .in, .me) koji rade po principu registracije domena bez dodatne provere i brisanja istog ako se ispostavi da je neko od pravila prekršeno (netacni podaci, registrant nije gradanin/firma iz te zemlje...). Ono što je kod domena mnogo interesantnije je arbitraž. Pokazalo se da u registrima koji ne zahtevaju dodatnu proveru i arbitraž funkcioniše bez problema.

Neki od registara zahtevaju dopise prilikom promene vlasnika domena ili registrara, kod brisanja domena, što je slucaj i kod .rs registra i to je ispravno.

Iz pravilnika navedenih registara se jasno može videti da vlasnik (registrant) domena snosi svu odgovornost prilikom davanja podataka i da registar može obrisati njegov domen ako podaci koje je dostavio nisu ispravni. Slicno je regulisano i u Opštim uslovima registracije .rs domena:

Podaci o registraciji .rs domena

Clan 7.

(1) Registrant je, prilikom podnošenja zahteva za registraciju .rs domena, dužan da pruži tacne, potpune i važeće podatke o registraciji .rs domena.

(6) Ako se neki od podataka o registraciji .rs domena promeni, registrant je dužan da odmah, a najkasnije u roku od 15 dana od dana nastanka promene, posredstvom ovlašćenog registra, podnese RNIDS, zahtev za promenu podataka .rs domena.

Prestanak registracije .rs domena

Clan 17.

(1) Registracija .rs domena može da prestane ako:

- RNIDS utvrdi da je registrant u zahtevu za registraciju .rs domena naveo netacne ili nepotpune podatke o registraciji .rs domena, ili nije blagovremeno prijavio promenu podataka o registraciji .rs domena, osim ako su neispravni ili nepotpuni podaci posledica ocigledne greške;
- nije moguće uspostaviti kontakt sa registrantom, odnosno administrativnim kontaktom za .rs

domen, u periodu od 45 dana od dana prvog pokušaja uspostavljanja kontakta od strane RNIDS, ili ako registrant, napuštajući svoje prebivalište tj. sedište u Srbiji, ne navede za administrativni kontakt lice koje ima prebivalište tj. sedište u Srbiji;

\* \*

Uvek se prvo hvatam za .eu domen. Prešli su 3.000.000 registrovanih domena. Šta reci kad Evropska komisija, koja je "mama" birokratija, nije predvidela dostavljanje dokumentacije za .eu domen. Sistem funkcioniše. U nastavku cete videti i primere gde su brisali problematicne domene. Podaci su iz decembra 2008.

\* \* \*

.eu

<http://www.eurid.eu/>

Broj registrovanih domena: 2 970 355

EURID od registarantana .eu domena ne zahteva dostavljanje dokumentacije prilikom registracije domena.

Jedina dokumentacija koju EURid zahteva je kod promena registrara ili vlasnika (registranta domena):

<http://www.eurid.eu/en/faq/document-downloads>

Trade and Transfer Confirmation Templates

Do you want to confirm a trade or transfer by fax? Select the appropriate template, in Word format, below.

You are trading a domain name as the current domain name holder.

You are involved in a trade as the future domain name holder.

You are transferring your domain name to a new registrar.

Vlasnik domena je dužan da pruži tačne podatke:

.eu Domain Name Registration Terms and Conditions

[http://www.eurid.eu/files/trm\\_con\\_EN.pdf](http://www.eurid.eu/files/trm_con_EN.pdf)

### SECTION 3. OBLIGATIONS OF THE REGISTRANT

Throughout the Term, the Registrant has the following obligations:

1. to keep its contact information, as referred to in the Registration Policy, accurate, complete and up to date,

.eu Domain Name Registration Policy

[http://www.eurid.eu/files/reg\\_pol\\_EN.pdf](http://www.eurid.eu/files/reg_pol_EN.pdf)

## SECTION 5. PROVIDE ACCURATE AND COMPLETE CONTACT INFORMATION

The Registry is entitled to reject a request for Domain Name registration or to revoke a Domain Name for which the Registrant has provided incomplete or inaccurate information.

I pored liberalne procedure za registraciju EURid nije posustao u kontroli pravila registracije .eu domana:

Suspendovano 74.000 imena ".eu domena"

<http://www.danas.co.yu/20060726/evropa1.html#1>

Organizacija EURid protiv lažnih "maticara"

<http://www.mikro.co.yu/ser/vesti/ves...6&ID=8259#8259>

10,000 .eu names suspended amid cybersquatter allegation

<http://www.out-law.com//default.aspx?page=8457>

EURid Blocks 10K Buycool.com/Zheng .eu Domains

<http://blog.whoisireland.com/2007/08...ng-eu-domains/>

<http://www.adr.eu/adr/decisions/inde...spondent=Zheng>

Arbitraža takode funkcioniše bez problema, što se vidi iz broja rešenih slucajeva:

<http://www.adr.eu/adr/decisions/index.php>

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.at domen

<http://www.nic.at/enRegistar>

Broj registrovanih domena: 795.525

[http://www.nic.at/en/service/legal\\_information/](http://www.nic.at/en/service/legal_information/)

No legal check in case of a registration

If a new domain is registered, nic.at does not check whether rights have been violated. Otherwise the delegation would take weeks or even months. As a consequence, the verification whether rights are violated is the duty of the domain holder. If a domain name violates your rights to a name or trademark right, please contact the nic.at legal

department.

[http://www.nic.at/en/service/legal\\_i...ms\\_conditions/](http://www.nic.at/en/service/legal_i...ms_conditions/)

### 1.3. Domain Holder

The domain holder's data as well as the e-mail address shall constantly be kept up-to-date.

If these conditions are not met or if only one precondition ceases afterwards, nic.at may deny or revoke the delegation of the domain.

Arbitraža:

What can be done in case of legal disputes regarding .at-domains?

If the dispute cannot be solved between the parties, you can always choose legal action at a court.

Is there a arbitration procedure for .at Domains?

No. The Arbitration Office for .at Domains was closed on October 31st, 2008.

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.ch

<https://nic.switch.ch/reg/>

Broj registrovanih domena: 1 198 105

General Terms and Conditions (GTC) for the registration and administration of domain names under the domain ".ch" and ".li"

[www.switch.ch/id/terms/agb.html](http://www.switch.ch/id/terms/agb.html)

### 2.3

#### Legitimacy

SWITCH does not carry out a check on the holder's entitlement to register and use the domain name, and accepts no responsibility in that respect through the registration and administration of the domain name for the holder.

In respect of SWITCH, the holder entered in the database is considered legally responsible for and entitled to the use of the domain name.

### 2.5

#### Duty of data maintenance

The holder is responsible for ensuring that all the data of domain names registered for the holder and recorded by SWITCH in the database, in particular the data of the contact persons, are kept up-to-date, complete and correct for the entire term of registration. For SWITCH, only the respective data registered in its database are authoritative. SWITCH is not obliged to take note of data communicated other than via the SWITCH website or interface or to itself conduct research into the accuracy of these data.

If the data prove to be incomplete, inaccurate or not up-to-date, particularly with regard to references to a third party, and if as a result the identity of the holder can be determined only at disproportionate time and effort or if messages to the holder and/or

the billing contact are undeliverable, SWITCH is entitled to revoke this holder's domain name.

Arbitraža:

[www.switch.ch/id/disputes/rules.html](http://www.switch.ch/id/disputes/rules.html)

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.de domen

<http://www.denic.de/en>

Broj registrovanih domena: 12 427 558

What consequences will it have for me if I supply inaccurate data when ordering a domain?

When you order a domain, you are required to ensure that the correct and complete data is given for the domain holder and any other named contacts. If you fail to do that, such as by indicating an irrelevant address or a false name, you run the risk of losing the domain later on. Wrong data gives DENIC the right to terminate the Domain Contract without giving you any notice beforehand. Be warned that it is a right that DENIC does not hesitate to use.

[http://www.denic.de/en/faqs/domainan...tml#section\\_77](http://www.denic.de/en/faqs/domainan...tml#section_77)

Pravila:

DENIC Domain Terms and Conditions

<http://www.denic.de/en/bedingungen.html>

### § 3 Duties of the Domain Holder

) In submitting the application for registration of a domain, the Domain Holder shall give an assurance that the data pertaining to him/her contained therein is correct and that he/she is entitled to register and/or use the domain and, in particular, that the registration and intended use of the domain does not infringe anybody else's rights nor break any law. If the Domain Holder is not domiciled in Germany, he/she shall be required to appoint an Administrative Contact domiciled in Germany. This Administrative Contact shall also be the Domain Holder's authorized representative for receiving the service of official or court documents for the purposes of §§ 174 ff. of the German Code of Civil Procedure.

### § 7 Termination

(2) It shall only be permitted for DENIC to terminate the contract on substantial grounds. These grounds shall include, in particular, any case in which

....

- f) or the data of the Domain Holder or the Administrative Contact submitted to DENIC is incorrect;
- g) or it is impossible to establish the identity of the Domain Holder or the Administrative Contact from the data submitted;
- h) or the Domain Holder not being domiciled in Germany, the service of a document on the Administrative Contact instigated by a third party fails at two consecutive attempts;

DENIC Domain Guidelines

<http://www.denic.de/en/richtlinien.html>

Arbitraža:

<http://www.denic.de/en/domains/recht...ege/index.html>

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.uk

<http://www.nominet.org.uk/>

Broj registrovanih domena: 7 142 220 (septembar 2008)

Sem što ne traži dokumentaciju prilikom registracije domena, Britanski registar – Nominet je pravi primer liberalnih pravila.

Second Level Domains

The uk top level domain code is separated into a number of second level domains, abbreviated to SLDs. People are encouraged to register a domain name within the SLD that corresponds to their type of activity.

The second level domains that we manage are:

co.uk for commercial enterprises (the largest SLD in the UK)

me.uk for personal domains

org.uk for non-commercial organisations

ltd.uk and plc.uk for registered company names only

net.uk for Internet Service Providers

sch.uk for schools

Nominet "ohrabruje" registrante da poddomene u okviru .uk domena registruju u skladu sa namenom, ali ih nikako ne primoravaju.

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.

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n 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. However, we do not forbid applications, and will take no action in respect of registrations that do not comply with the SLD Charters. We may request certain information from you regarding your legal identity when you make an application for or seek to amend the registration of a Domain Name in the Open SLDs.

## Terms and Conditions of Domain Name Registration

### What you must do

4 You have various responsibilities set out generally in this contract. You must also:

give and keep us notified of your correct name, postal address and any phone, fax or e-mail information and those of your contacts (if you appoint any, see condition 5.2). This duty includes responding quickly and correctly to any request from us to confirm or correct the information on the register;

### Your promises and indemnity

7 By entering into this contract you promise that:

7.1 you (or your agent) have the permission of any person whose personal data is to be held on the register in line with condition 11;

7.2 any identity and contact information you (either yourself or through your agent) send us must be correct;

7.3 you will send us the information needed under condition 7.2 as soon as possible, through your agent if possible, and you will keep them up to date;

### Cancelling or altering the domain name

16 We may cancel or put the domain name into a special status by notifying you if:

16.1 we receive independent proof that you have provided significantly inaccurate, not correct, unreliable or false contact details (including names), failed to keep your contact details up to date, or failed to give us those details at all;

17.2 if we reasonably believe that the contact details on the register for you are so inaccurate or false that we would not be able to notify you of the change;

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 .cz

<http://www.nic.cz/>

Broj registrovanih domena: 494 834

Rules of Domain Names Registration under ccTLD .cz

[http://www.nic.cz/files/nic/doc/Regi...Z\\_20080930.pdf](http://www.nic.cz/files/nic/doc/Regi...Z_20080930.pdf)

## 11. PERSONAL DATA PROTECTION; CENTRAL REGISTER DATA

11.2. A person submitting an application for the registration of a Domain Name, Holder or Contact, or an application for changing data pertaining to a Domain Name, Holder or Contact

11.2.2. is liable for the correctness of all data specified in the registration application pertaining to persons mentioned in such an application, and declares that these are not cover names, that such a person has obtained consent from all persons whose personal data are to be recorded in the Central Register on the basis of the application, and undertakes to obtain such consent in the event of any changes of such persons or data pertaining to such persons.

11.2.3. is obliged to report any changes of the data submitted to the CZ.NIC association through the mediation of the Registrar without any undue delay.

11.4. CZ.NIC is entitled to call on the Holder, or the person concerned, to provide any information essential for the identification of these persons, especially date of birth and identification numbers (IN), namely in the case that providing such information is necessary for unambiguous identification within the framework of a legal, arbitrary, administrative or criminal or any other proceedings in progress; CZ.NIC is entitled to provide such additionally acquired information for the purpose of such proceedings.

12.2. CZ.NIC association is entitled to terminate, at its discretion, a Domain Name registration if

12.2.1. the information kept in relation to the Domain Name in the Central Register is untrue, incomplete or misleading,

Arbitraža:

<http://www.nic.cz/page/314/rules-and-policies/>

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 .be

<http://www.dns.be/en/index.php>

Broj registrovanih domena: 854 684

Pravilnik: <http://www.dns.be/en/home.php?n=43.001>

#### 5. Obligation to have a working e-mail address

The domain name holder must have a working e-mail address, which is inserted in the DNS BE data base. DNS BE and the domain name holder must use this e-mail address for official communication between them, and the domain name holder must keep the address up-to-date through his registrar. If the e-mail address is not kept up-to-date, the domain name holder is in breach of these terms and conditions and DNS BE may terminate the registration as provided in article 3 above.

#### 7. Privacy policy

b) The domain name holder must keep DNS BE immediately informed through the registrar of any change in name, address, e-mail address, telephone and fax numbers. An omission or delay in informing DNS BE of such changes may result in the termination of the registration.

#### 8. Representations and warranties

a) The domain name holder represents and warrants that: all statements made during the registration process and the term of the registration are complete and accurate;

Arbitraža:

<http://www.dns.be/en/home.php?n=45.002>

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.cn

<http://www.cnnic.cn/en/index/index.htm>

Broj registrovanih domena: 12 915 737

Čak ni kineski registar ne zahteva dostavljanje dokumentacije pri registraciji .cn domena.

Jedino gde se zahteva dodatna dokumentacija je kod .gov.cn i .edu.cn:

<http://www.cnnic.cn/html/Dir/2007/06/04/4628.htm>

How to register a .CN domain name?

Based on the principle of "first come, first serve", the registrant shall sign online (or written) registration agreement with the selected registrar.

According to the agreement, the registrant shall comply with the latest Internet-related laws and regulations, including but not limited to "China Internet Domain Name Regulations" and all other regulations promulgated by the authority department; CNNIC developed detailed domain name registration rules and domain name dispute resolution policies. The registrant shall also ensure the verity, nicety and integrity of the registration information he/she submitted. Fill in the application form for domain name registration.

For registering .gov.cn domain names:

.gov.cn is only available for government departments to register.

Besides online registration process, the applicant shall also submit following written material:

- 1) The application form for domain name registration with official seal of registrant organization.
  - 2) Relative material that may prove its identity of government department.
- For registering .edu.cn domain names:  
The regulations and procedures are developed by China Education and Research Networks (CERNET).

Arbitraža:

Q. How to resolve Chinese Domain Name disputes?

A. According to "CNNIC Domain Name Dispute Resolution Policy", all disputes relating to Chinese Domain Name shall be resolved by Chinese Domain Name dispute resolution institutes.

The following two neutral domain name dispute resolution institutes are authorized by CNNIC:

China International Economic and Trade Arbitration Center

<http://dndrc.cietac.org/cietac.jsp>

Hong Kong International Arbitration Center

[http://dn.hkiac.org/cn/cns\\_welcome.html](http://dn.hkiac.org/cn/cns_welcome.html)

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.us

<http://www.neustar.us>

Broj registrovanih domena: 106 511 654

.US Domain Name Registration Terms and Conditions

[http://www.neustar.us/policies/docs/...trar\\_terms.pdf](http://www.neustar.us/policies/docs/...trar_terms.pdf)

B. Termination by RA. RA may terminate this Agreement at any time upon written notice in the event any of the following occurs:

- i. Registrant willfully or negligently (i) provides RA inaccurate or unreliable information or (ii) fails to promptly update information provided to RA pursuant to this Agreement;

6. ACCURACY OF INFORMATION. Registrant hereby certifies that (i) all data provided by Registrant in the domain name registration application is true, correct, up to date and complete (ii) RA will maintain and update, by providing notice to Registrant pursuant to this Agreement, the information contained in the domain name registration applicatio

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.lv

<http://www.nic.lv/DNS/En/>

Arbitraža:

<http://www.nic.lv/DNS/En/dispute.php>

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.in

<http://www.registry.in>

Broj registrovanih domena: 500 000

<http://www.registry.in/policies/>

Contact information: Registrants must provide true, accurate contact information. The following contact types are required: Registrant, Administrative, Technical, Billing. As per standing policy, the contact data will displayed in the .IN WHOIS, except for the Billing contact data, which is not displayed.

Arbitraža:

[http://www.registry.in/policies/dispute\\_resolution/](http://www.registry.in/policies/dispute_resolution/)

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.me

[www.domen.me](http://www.domen.me)

Preko 100 000 registrovanih domena

.ME Procedure

<http://www.domen.me/index.php?page=6>

Arbitraža:

<http://www.domen.me/index.php?page=54>

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Srdacan Pozdrav,

Zoran Torbica, direktor

<mailto:ztorbica@cri.rs>

Mob: (063) 245-430

CRI ISP

Masarikova 5/712, Beograd, Srbija

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Tel: (011) 3061-531, 3061-532

Fax: (011) 3061-355

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Wgdoc mailing list

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