

**Consultation Document for
Eligibility Criteria and Allocation Guidelines for
Third Level .mm Domain Name**

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PREPARED BY

Posts and Telecommunications Department
Ministry of Transport and Communications
The Republic of the Union of Myanmar

I. Background

1. This document sets out the Guidelines that govern the granting of domain name Registration in the Third Level Domain (3LD) in the .mm domain.
2. In accordance with ISO 3166-1 which designates the “.mm” ccTLD to the Republic of the Union of Myanmar and in accordance with Chapter 7 of the Law, the Department shall direct rules and regulations on allocation and usage of the “.mm” ccTLD and all Domain Names under the “.mm” ccTLD.
3. The provisions of this Guidelines shall not have retrospective effect and shall not nullify any valid Domain Names which have been assigned prior to the effective date of this Guidelines unless the assignment was obtained dishonestly or in bad faith.

II. Definitions

4. **Definitions:** In this Guidelines, unless the context otherwise requires:
 - a. **““.mm” Country Code Top Level Domain”** or **““.mm” ccTLD”** means the ccTLD “.mm” which has been designated in ISO 3166-1 to the Republic of the Union of Myanmar.
 - b. **““.mm” Domain Name”** means a Domain Name under the “.mm” ccTLD.
 - c. **“Address”** means a string or combination of digits and symbols that identifies an instance in the Internet.
 - d. **“Country Code Top Level Domain”** or **“ccTLD”** means a domain in the top level of the global DNS assigned according to the two-letter codes as defined in the ISO 3166-1 Standard “Codes for the Representation of Names of Countries and Their Subdivisions – Part 1: Country codes”.
 - e. **“Department”** means the Posts and Telecommunications Department under the Ministry.
 - f. **“Domain Name”** means a Name which enables a user of the Internet to access an entity in the Internet.
 - g. **“Domain Name System”** or **“DNS”** means the hierarchical naming system built on a distributed database for computers, services, or any resource connected to the Internet, associating various information with Domain Names assigned to each of the participating entities including but not limited to translation of Domain Names meaningful to humans

into the numerical identifiers associated with networking equipment for the purpose of locating and addressing these devices worldwide.

- h. **“Internationalized Domain Name”** means a Domain Name that contains at least one label that is represented, in whole or in part, in a language-specific script or alphabet, such as Arabic, Chinese, Cyrillic, Myanmar, Tamil, Hebrew or the Latin alphabet-based characters with diacritics or ligatures, such as French.
- i. **“Internet”** means a global computer network providing a variety of information and communication facilities, consisting of interconnected networks using standardized communication protocols.
- j. **“ISO 3166”** means the international standard “Codes for the Representation of Names of Countries and Their Subdivisions” maintained by the ISO 3166 Maintenance Agency.
- k. **“ISO 3166-1”** means the part “Country Codes” of the ISO 3166.
- l. **“Law”** means the Telecommunications Law of the Republic of the Union of Myanmar, 2013.
- m. **“Licensee”** shall have the meaning as defined in the Law and in the Licensing Rules.
- n. **“Ministry”** means the Ministry of Transport and Communications (MOTC) of the Republic of the Union of Myanmar.
- o. **“Name”** means the human recognizable format of identifying an Electronic Address usually comprise words and/or alphabets.
- p. **“Register”** means any one of the Registers established or maintained by the Department for the purposes of Chapter 7 of the Law.
- q. **“Registry”** means an entity that by agreement with the Department or by authorization of the Department is entitled to assign domain names under the “.mm” ccTLDs.
- r. **“Registrar”** means a person or an entity that has made an agreement with a Registry for the right to send in applications and notices of modification to the Registry on behalf of Registrants or for holders of domains under the “.mm” ccTLD.
- s. **“Registrant”** means a person or an entity who or that has registered a “.mm” Domain Name.
- t. **“Third Level Domain Name”** means a Name at the third level of the global Domain Name

hierarchy.

- u. **“Trademark”** shall have the meaning as defined under the Trademark Law.
- v. **“Trademark Law”** means the Myanmar Trademark Law, January 30, 2019

III. Eligible Domain Names under the “.mm” ccTLD

5. A Domain Name under the “.mm” ccTLD may comprise any alphanumeric character and multilingual characters such as Myanmar language script character.

a. All ASCII “.mm” Domain Names shall:

- i. be at least 2 (two) character long, but subject to such length as may be technically feasible;
- ii. contain only letters (a-z), numbers (0-9) and hyphens (-), or a combination of these; and
- iii. start and end with a letter, not a hyphen.

b. All non-ASCII “.mm” Domain Names shall:

- i. be at least (two) 2 characters long but subject to such length as may be technically feasible;
- ii. contain only Myanmar script character, numbers (0-9) and hyphens (-), or a combination of these; and
- iii. start and end a Myanmar script character, not a hyphen.

6. Validity of Domain Name:

- a. All Domain Names shall be valid for one (1) year from the date of registration and may be renewed annually or any other period that may be determined from time to time by the Department.
- b. Renewal of the registration is subject to the Registrant continuing to meet the eligibility criteria pursuant to Clauses 9b, 9c, 9d 9e, 9f, 9g, or 9h of this Guidelines and subject to conditions of registration.
- c. Domain name Registration are allocated on a ‘first come, first served’ basis. It is not possible to pre-register or otherwise reserve a domain name.

7. **Principally Reserved Names:** The following Names shall be reserved and shall not be available for registration for the public:
- a. **“Internationalized “.mm” Domain Names”** shall be reserved and shall not be available for registration until the Department has unreserved the same.
 - b. **Country / State / Province / District / City / Town / Village Tract / Ward / Village Name and related short codes as for example YGN for :** Names by themselves containing country or state or province or district or city or town or village tract or ward or village Names or well-known Names such as “Myanmar”, “Shan”, “Mandalay”, “Inle Lake”, etc. or the Myanmar language equivalents shall be reserved. Related Domain Names may only be applied for by the relevant authority, or persons who have been duly authorized by the relevant state authority.
 - c. **Names related to the Government of the Republic of the Union of Myanmar and related short codes and abbreviations** such as “Ministry of Transport and Communications” with the short code MOTC and variations thereof or any other words or non-Latin characters (or a combination of such non-Latin characters) that may suggest a link to the Government, or the Myanmar language equivalents shall be reserved.
 - d. **Names related to Religions:** Names by themselves containing words in either English or Myanmar language, that are sensitive to the main religions in Myanmar such as "Buddha", “Buddhism”, "Hindu", "Islam", "Christianity", etc. shall be reserved.
 - e. **Names related to Banks or Finance Companies including short codes** by themselves or as part of a label, contains the words "bank" or "finance company" (or any derivative of the words in any language) shall be reserved. Only parties who have prior written approval from Central Bank of Myanmar may apply for these Domain Names.
 - f. **Geographical Names including short codes** by themselves containing Names, in English or Myanmar language of inter-governmental organizations or country Names shall be reserved.
 - g. **Regulated Names including short codes:** Regulated Names means Names prescribed by statute which may only be used subject to the necessary qualifications, consents, licenses and / or permissions having been obtained from the relevant government ministry, department, agency or regulatory authority, as may be applicable to the Registrar. Government agencies and / or regulatory authorities shall be able to request the de-registration or suspension of certain “.mm” Domain Names that fall within their jurisdiction and are in breach of a statutory provision of the law. The requests made shall be based on

the requesting party's legal authority and shall subject to the oversight of the Department.

- h. **Trademark Names:** The Third Level “.com.mm”, “.biz.mm”, “.pro.mm”, “.net.mm”, “.org.mm” or “.edu.mm” Domain Names containing Trademark Names registered under the Myanmar Trademark Law, or any subsequent law of the Myanmar Trademark Law, or any bylaw, rules and regulations of the Trademark Law shall be reserved for the owner of the Trademark unless the Third Level “.com.mm”, “.biz.mm”, “.pro.mm”, “.net.mm”, “.org.mm” or “.edu.mm” Domain Names containing a Trademark were already registered by a third party prior Trademark Name registration under the Myanmar Trademark Law.

8. Sensitive Names means Names which may be considered scandalous, obscene, offensive, indecent and/or contrary to public norms of the Republic of the Union of Myanmar, or Names which give the connotation that such Names are directly or indirectly obscene and scandalous. Sensitive Names may be exempted by the Department from time to time from usage. For the purpose of interpretation, a Name shall be considered to be:

- a. **“obscene”** where it relates to a perversion of sex or sexual activities running counter to accepted standards of morals;
- b. **“offensive”** where it hurts the feelings of groups within the society, including but not limited to, where it comprises of derivatives and colloquialisms of words that are offensive, including:
 - i. derogatory terms referring to people;
 - ii. racial or ethnic slurs;
 - iii. religious slurs;
 - iv. sneering sexual (identity/preference) remarks;
 - v. undesirable reference towards culture, society or community;
 - vi. vulgar or crude expressions that refer to the anatomy, bodily function, body by-products and gender

9. Eligibility Criteria for the Assignment of Domain Names under the “.mm” ccTLD:

- a. All applicants shall either be Myanmar entities or in the case of natural persons, at least permanent residents of the Republic of the Union of Myanmar as defined under the eligibility criteria for each Third Level Domain Name Registrations pursuant to Clauses 9b - 9h.
- b. To be eligible for being assigned a Third Level “.biz.mm”, “.com.mm”, or “.net.mm” Domain

Name under the “.mm” ccTLD, the applicant shall meet at least one of the criteria of Clause 9bi - 9bviii and the criteria of Clause 9bix and Clause 9bx:

- i. A Foreign or Myanmar company incorporated under the relevant law of the Republic of the Union of Myanmar;
- ii. A Regional Office registered under the relevant law of the Republic of the Union of Myanmar;
- iii. A professional firm, such as law, audit, architect and real estate firms registered under the law of the Republic of the Union of Myanmar either with or established in accordance with the respective statute or body governing that professional firm;
- iv. A foreign office approved by the Ministry of Foreign Affairs of the Republic of the Union of Myanmar;
- v. A statutory body or organization established in the Republic of the Union of Myanmar pursuant to statute;
- vi. An association incorporated in any State/Region of the Republic of the Union of Myanmar or Territory;
- vii. The applicant for a Trade Mark Registered in the Republic of the Union of Myanmar;
or
- viii. The owner of a Trademark registered in the Republic of the Union of Myanmar; and
- ix. The Domain name in the “.biz.mm”, “.com.mm”, or “.net.mm” Domain shall:
 - a) exactly match, acronym or abbreviation of the Registrant’s company or trading name, organization or association name or Trademark; or:
 - b) be otherwise closely and substantially connected to the Registrant.
- x. Registrations in the “.biz.mm”, “.com.mm”, or “.net.mm” Domain shall be used or intended to be used primarily for bona fide business or commercial purposes. Bona fide business or commercial use shall mean the bona fide use or bona fide intent to use the domain name or any content, software, materials, graphics or other information thereon, to permit Internet users to access one or more host computers through the DNS to exchange goods, services, or property of any kind in the ordinary course of trade or business, or to facilitate (i) the exchange of goods, services,

information, or property of any kind; or, (ii) the ordinary course of trade or business.

- c. To be eligible for being assigned a Third Level “.pro.mm” Domain Name under the “.mm” ccTLD, the applicant shall meet at least one of the criteria of Clause 9ci - 9civ and the criteria of Clause 9cv and Clause 9cvi:
 - i. A Foreign or Myanmar company incorporated under the relevant law of the Republic of the Union of Myanmar;
 - ii. A Regional Office registered under the relevant law of the Republic of the Union of Myanmar; or
 - iii. A foreign office approved by the Ministry of Foreign Affairs of the Republic of the Union of Myanmar; and
 - iv. A professional firm, such as law, audit, architect and real estate firms registered under the law of the Republic of the Union of Myanmar either with or established in accordance with the respective statute or body governing that professional firm;
 - v. The Domain name in the “.pro.mm” Domain shall:
 - a) exactly match, acronym or abbreviation of the Registrant’s company or trading name, organization or association name or Trademark; or:
 - b) be otherwise closely and substantially connected to the Registrant.
 - vi. The Domain name fulfills the requirement of Clause 9bx.
- d. To be eligible for being assigned a Third Level “.org.mm” Domain Name under the “.mm” ccTLD, the applicant shall meet at least one of the following criteria:
 - i. A foreign embassy;
 - ii. A trade union established pursuant to the relevant law of the Republic of the Union of Myanmar;
 - iii. Religious entities approved or accredited or registered by relevant bodies of the Republic of the Union of Myanmar;
 - iv. An incorporated association approved or accredited or registered by relevant bodies of the Republic of the Union of Myanmar;
 - v. A political party approved or accredited or registered by the Union Election Communication of the Republic of the Union of Myanmar; or

- vi. A sporting or Special interest club approved or accredited or registered by relevant bodies of the Republic of the Union of Myanmar;
 - vii. A charity operating in the Republic of the Union of Myanmar approved or accredited or registered by relevant bodies of the Republic of the Union of Myanmar;
 - viii. A non-profit organization operating in the Republic of the Union of Myanmar approved or accredited or registered by relevant bodies of the Republic of the Union of Myanmar;
- e. To be eligible for being assigned a Third Level “.edu.mm” Domain Name under the “.mm” ccTLD, the applicant shall meet at least one of the following criteria:
- i. Myanmar government aided primary and/or secondary schools (including vocational schools);
 - ii. Universities under the administration of the Ministry of Education of the Republic of the Union of Myanmar;
 - iii. Private schools and private higher educational institutions established or licensed pursuant to the relevant law of the Republic of the Union of Myanmar; or
 - iv. Educational institutions accredited/registered by a relevant government department/agency of the Republic of the Union of Myanmar; or
- f. To be eligible for being assigned a Third Level “.name.mm” or “.per.mm” Domain Name under the “.mm” ccTLD, the applicant shall meet at least one of the Clause 9fi - 9fiii and the Criteria 9fiv:
- i. An individual of eighteen (18) years of age or above and holder of a valid passport or national identity card of the Republic of the Union of Myanmar;
 - ii. An individual of eighteen (18) years of age or above living outside of the Republic of the Union of Myanmar and holding a valid passport or national identity card of the Republic of the Union of Myanmar; or
 - iii. A foreign individual of eighteen (18) years of age and above holding a valid passport with proof of residence in the Republic of the Union of Myanmar;
 - iv. Domain names in the “.name.mm”, or “.per.mm” Domain shall:
 - a) exactly match, acronym or abbreviation of the Registrant’s name; or

- b) be the name of a fictional character in which the Registrant have Trademark or service mark rights; or:
 - c) be otherwise closely and substantially connected to the Registrant.
- g. To be eligible for being assigned a Third Level “.gov.mm” Domain Name under the “.mm” ccTLD, the applicant shall provide a recommendation letter from the Ministry and shall meet at least one of the following criteria:
 - i. A ministry of the Republic of the Union of Myanmar;
 - ii. A government department or agency of the Republic of the Union of Myanmar;
 - iii. A state/region government department or agency of the Republic of the Union of Myanmar;
 - iv. A local authority department or agency of the Republic of the Union of Myanmar; or
 - v. A statutory body or organization established in the Republic of the Union of Myanmar pursuant to statute.
- h. To be eligible for being assigned a Third Level “.hluttaw.mm” Domain Name under the “.mm” ccTLD, the applicant shall be a national Parliament of the Republic of the Union of Myanmar
 - i. Pyidaungsu Hluttaw;
 - ii. Pyithu Hluttaw;
 - iii. Amyotha Hluttaw or
 - iv. a State or Region Hluttaw (Parliament) within the Republic of the Union of Myanmar.
- i. The Department may amend the eligibility criteria pursuant to the Clauses 9b - 9h of this Guidelines from time to time.

IV. Rights and Obligations of Registrars and Registrant

10. Conditions of Registration: The Registrar shall ensure that the registration of any “.mm” Domain Name by a Registrant is subject to the following conditions:

- a. the Registrant warrants that the Registration Data and all other information submitted for the application of registration is complete, true and accurate;
- b. the registration of the Domain Name is governed under the terms and conditions as contained in the Registration Agreement which shall be subject to approval by the Department; and

- c. the registration of the Domain Name follows any provision of the Law or any subsidiary legislation made under the Law in relation to the registration or any relevant other written laws.

11. Incomplete, Incorrect or Inaccurate Information:

- a. The Registrar shall be authorized by the Department to set in place a process to receive and process complaints that have been lodged against any “.mm” Domain Name that are alleged to have been registered based on incomplete, incorrect or inaccurate information.
- b. The Registrar may lock a Domain Name if the Registrar receives independent evidence or becomes aware with fulfilling its duties in accordance with Clause 13c that the Registrant has provided incomplete, incorrect or inaccurate information during the registration, renewal or modification of the “.mm” Domain Name.
- c. Where, in accordance with the process set in place under Clause 11a by the Registrar, it is established that the Registrant has neglected, failed and/or refused to update or substantiate any type of license and/or authorization required from the relevant government ministry, department, agency or regulatory authority, the Registrar is authorized to suspend the relevant “.mm” Domain Name in accordance with the said process.
- d. If the Registrar has locked or suspended a Domain Name under Clause 11a or Clause 11b, then the Registrar shall cancel the registered Domain Name. The Registrar shall reserve the Domain Name for a period of six month in case of appeal and release it for registration by any third party after.

12. Modification of Registration Data:

- a. The Registrar shall provide Registrants the ability to modify their Registration Data subject to such verification procedures as may be put in place by the Registrar.
- b. Modifications to the Registration Data which amount to a transfer of a Domain Name shall be done in compliance with Clause 10 of this Guidelines, failing which the Registrar may suspend and / or delete the Domain Name.

13. Renewal of Registration:

- a. Registrants may apply to renew their “.mm” Domain Name registration with any Registrars upon the payment of a non-refundable renewal fee as prescribed by the Department or Registrars.

- b. Registrants shall be informed electronically within the Renewal of the Domain Name Registration by the Registrar to ensure that their registration data remain accurate, complete and correct.
- c. The Registrar shall carry out random checks on the veracity of the information provided by the Registrants from time to time.

14. Cancellation or Suspension of a Registration:

- a. The Registrar shall suspend a “.mm” Domain Name registration in any of the following circumstances:
 - i. upon the breach of any condition or warranty contained in the registration agreement;
 - ii. upon failure to pay any fee or renewal fee in relation to the registration; or
 - iii. upon the contravention of any provision of the Law or any subsidiary legislation made under the Law in relation to the registration or any relevant written laws;
 - iv. provided that any cancellation or suspension in the public interest shall only be carried out by the Department.
- b. A Registrant affected by a deletion or suspension effected by the Registrar pursuant to Clause 14a may appeal to the Ministry in accordance with the provisions of the Law.

15. Process automation: Registry and Registrars shall automate processes under this Guidelines in line with international standards.

16. Prohibition on registering domain names for sole purpose of resale: A Registrant shall not register a “.mm” ccTLD for the sole purpose of resale or transfer to another entity.

17. Transfer of Domain Name:

- a. The Registrar shall transfer a Domain Name in the following circumstances:
 - i. **Voluntary transfer:** upon receipt of a request by the Registrant of the “.mm” Domain Name to transfer the Domain Name to a specified person or entity in such form required by the Registrar and such request shall be accompanied by a Letter of Undertaking duly signed by the authorized signatory of the Registrant, if the Registrant is a body corporate, that the Domain Name is not subject of any pending dispute resolution;
 - ii. **Transfer in accordance with court order:** Upon receipt of a certified copy of an order

of the High Court requiring the transfer of the “.mm” Domain Name to a specified person;

- iii. **Transfer upon the determination of the Registrar or the Department:** In accordance with terms and conditions, policies, rules and regulations and relevant laws governing the registration of Domain Names; or
 - iv. **Transfer upon death of the Registrant:** in accordance with applicable laws governing wills and the administration of estates in the Republic of the Union of Myanmar.
- b. In no other circumstance shall the Registrar transfer a registered “.mm” Domain Name except as may be authorized by the Department or the Ministry.
 - c. The Registrar may impose a fee for the transfer subject to approval by the Department.

18. Charges for a Domain Name under “.mm”:

- a. All Registrants shall be required to pay such fees in accordance to terms as approved by the Department.
- b. The registration fee may be prorated based on the period of use or may be prorated to a specified expiry date.