

ZA REGISTRY CONSORTIUM (ZARC) COMPLAINTS MANAGEMENT POLICY AND PROCESS, VERSION 001_OCTOBER 2022

1 Background

1.1 ZARC is committed to offering high quality professional services to its clients when it comes to handling all complaints made against its registrants, accredited registrars and their resellers operating in the current and future domain name spaces managed and administered by the ZARC.

1.2 ZARC will employ best efforts to respond to the needs of all end-users and, as a first step, has crafted this Policy to explain the manner in which complaints made to the ZARC would be handled.

1.3 The key objective of this Policy is therefore to enable ZARC to resolve complaints in an effective, efficient, and professional manner.

1.4 ZARC retains the sole right not to investigate a complaint where it is reasonably clear that such complaint is frivolous, vexatious, or abusive in nature, or has been informed by mala fides.

2 Complaints Management Principles

2.1 ZARC subscribes to the principles tabled below in its efforts to establish an effective complaints management process.

Principle	ZARC's Response
Visibility/Accessibility	Our Complaints Handling Policy is published on the Registry websites and on the Company's intranet for ease of reference
Responsiveness	We endeavor to acknowledge receipt of each complaint immediately and to keep the complainant informed of developments throughout the complaint assessment period.
Objectivity	Each complaint will be addressed in an equitable, unbiased, and objective manner throughout the complaint assessment period.
Confidentiality	All personally identifiable data relating to the complaint will be actively protected from disclosure unless such disclosure is prescribed by law and/or is necessary for the proper assessment of the complaint.
Annual Review	ZARC undertakes to review its complaints handling policy and process on an annual basis to ensure that it is current and relevant and achieves the desired outcomes.

3 ZARC's Powers to Handle Complaints

3.1 ZARC will handle complaints that relate to the current .ZA Second Level Domains, such as, co.za; net.za; web.za and org.za and any other .ZA Second Level Domain Name Extensions that may be assigned to the ZARC, its affiliates and/or subsidiaries in the future.

3.2 ZARC will handle complaints that relate to inter alia one or more of the following matters:

- 3.2.1 Inaccurate or incomplete Whois information.
- 3.2.2 Unlawful transfers and updates.
- 3.2.3 Domain name registration and domain name management services of a .ZA Accredited Registrar and/or Reseller to such accredited Registrar.
- 3.2.4 Violations of the ZARC's Published Registry Terms and Conditions or Published Policies.
- 3.2.5 Disputes between Registrars and their Resellers only in so far as the dispute relates to a breach or possible breach of the Registrar Accreditation Agreement or any Published Terms and Conditions and/or Published Policies.
- 3.2.6 Abusive Domain Name Practices as described in ZARC's Take Down Policy No.001 of 2022.

3.3 ZARC will NOT handle complaints that relate to one or more of the following matters:

- 3.3.1 Generic Top-Level Domains (example, .com; .xxx; .org) or other country code Top Level Domains (ccTLDs) (example, .ng; .zm; ga) not assigned to the ZARC.
- 3.3.2 Webhosting, website management or website design services.
- 3.3.3 Internet connectivity and access or email services.
- 3.3.4 Possible breaches of the Electronic Communications Act of 2002 or any other legislation. For complaints relating to these matters, you should contact the relevant government authority and/or the Internet Service Providers' Association (ISPA) and/or the relevant Law Enforcement Agency.
- 3.3.5 Ownership rights to a domain name.
- 3.3.6 Commercial disputes between Registrars and their own Resellers

4 Complaint's Procedure

- 4.1 All complaints must be submitted to the ZARC by emailing complaints@registry.net.za using the Complaints Form which can be found via the following link: "https://www.registry.net.za/downloads/lu/COMPLAINTS_FORM.pdf"
- 4.2 At the very least, please ensure that your complaint has the following important information:
 - 4.2.1 Your full name and contact information and account information if any.
 - 4.2.2 A clear description of the nature of the complaint, i.e., whether it relates to a specific domain name or names.
 - 4.2.3 Details of whether this complaint was submitted to the Customer Care Section and if so, any reference number linked to that engagement.
 - 4.2.4 Copies of any documentation and other proof in support of the complaint.
- 4.3 Should you need assistance in the formulation and/or lodgment of the complaint, please email the designated email contact listed in 4.1 above.
- 4.4 Upon receipt of your complaint, we will endeavor to acknowledge receipt of your complaint within 2 (two) business days thereof and further endeavor to resolve the complaint within 30 (thirty) calendar days from receipt of the complaint. It is important to provide the respondent an opportunity to respond to such complaint.
- 4.5 This timeframe may be extended depending on the nature of the complaint and the review that may be required (example, there may be a case to request further information from the complainant to assist the ZARC with its investigations).
- 4.6 ZARC undertakes to keep you informed of the progress of the complaint at all material times and recognizes that you also have the right to enquire as to the status of your complaint by emailing the ZARC.
- 4.7 Once the complaint has been reviewed, ZARC will provide both you and the respondent with its finding on the complaint via email, and where necessary, of any other course of action that may be available to the parties.

4.8 ZARC will investigate all complaints on the basis that there has been a breach of its Published Terms and Conditions and /or Published Policies and will not determine whether the complainant has a better right of title to the domain name in question. In such circumstances, the complainant would be advised to lodge a domain name dispute either by litigating or using any appropriate alternate dispute resolution mechanism for determining domain name ownership issues.

4.9 ZARC may, without any limitation, take one or more of the following actions against the Accredited Registrar and/or their reseller in question:

4.9.1 Refer the complaint to the Registrar on the affected domain name for investigation and further action, which further action could include, without limitation, the Registrar performing a domain name update to the registrant details; provision of a report to the ZARC indicating the steps that Registrar has invoked to resolve this problem or rectify the breach; restore the previous status of a domain name if the complaint relates to an unauthorized update and/or transfer.

4.9.2 Apply a serverHold status to the domain name in question, which will prevent the domain name from resolving on the public Internet.

4.9.3 Apply a lock status to the domain which would have the result of preventing the domain name from being transferred, deleted or updated whilst still resolving on the public Internet.

4.9.4 Redirect the name servers for the domain name.

4.9.5 Delete the domain name following the process mentioned in clause 4 hereof.

4.9.6 refer the complaint to the relevant law enforcement agencies.

4.10 If the Registrar and/or their Resellers fail to comply with the ZARC's request pursuant to section 4.9, ZARC may consider taking the following action:

4.10.1 in the case of a reseller of a registrar, direct that the registrar not accept any services from that reseller, and to terminate any reseller license in existence between the registrar and that reseller; or

4.10.2 in the case of a registrar, ZARC may suspend or terminate that registrar's accreditation.

4.11 If either party (complainant and/or respondent) is unhappy with the outcome of the complaint or the manner in which it was handled, then they may refer the matter for further review and determination to the Office of the Chief Executive Officer [escalation@registry.net.za].

4.12 In investigating, reporting and resolving all complaints falling within the scope and ambit of this Policy, ZARC will take cognizance of privacy policies and accepted best practice standards that deal with confidentiality, data security, data transfer and data retention enshrined in local laws and relevant contracts.

5 Policy Review

ZARC will review the Complaints Handling Policy and Process at least annually in order to enhance its quality-of-service delivery and address any deficiencies that may be identified.

SAMPLE OF ONLINE COMPLAINTS FORM

[insert zarc logo here]

COMPLAINTS FORM

1 Complainant's Details

Full Name

Contact Number [Fixed or Mobile]

Contact Email

Postal Address

2 Details of Complaint

Details of Respondent/Domain Name

Nature of the Complaint

Supporting Documentation (if any)

3 Status of the Complaint before submission to the ZARC

Note: Please feel free to use additional pages should that be necessary.