



ព្រះរាជាណាចក្រកម្ពុជា
Kingdom of Cambodia

រាជរដ្ឋាភិបាល
Royal Government
No. 287 ANkr.BK

ជាតិ សាសនា ព្រះមហាក្សត្រ
Nation Religion King
[Unofficial Translation]

Sub-Decree
On
Management and Use of National Domain Names on the Internet

Royal Government

- Having considered the Constitution of the Kingdom of Cambodia;
- Having considered Royal Decree no. NS/RKT/0918/925, dated September 6, 2018, on the Appointment of the Royal Government of the Kingdom of Cambodia;
- Having considered Royal Decree no. NS/RKT/0320/421, dated March 30, 2020, on the Appointment and Modification of the Composition of the Royal Government of the Kingdom of Cambodia;
- Having considered Royal Kram no. NS/RKM/0618/012, dated June 28, 2018, promulgating the Law on Organization and Functioning of the Council of Ministers;
- Having considered Royal Kram no. NS/RKM/0196/20, dated January 24, 1996, promulgating the Law on Establishment of the Ministry of Post and Telecommunications;
- Having considered Royal Kram no. NS/RKM/0196/16, dated January 24, 1996 promulgating the Law on Establishment of the Ministry of Commerce;
- Having considered Royal Kram no. NS/RKM/1215/017, dated December 17, 2015, promulgating the Law on Telecommunications;
- Having considered Royal Kram no. NS/RKM/1119/017, dated November 02, 2019, promulgating the Law on Electronic Commerce;
- Having considered Sub-Decree no. 64 ANKr.BK, dated May 10, 2019, on the Organization and Functioning of the Ministry of Post and Telecommunications;
- Having considered Sub-Decree no. 38 ANKr.BK, dated March 16, 2020, on the Organization and Functioning of the Ministry of Commerce; and
- Pursuant to the request of the Minister of Post and Telecommunications and Minister of Commerce.

Decided
Chapter 1
General Provisions

Article 1

This Sub-Decree determines principles, rules, and mechanisms of management and use of national domain names to promote identity, value, and the existence of national domain names on the internet as well as to encourage the use of national domain names, which then contribute to transparent public services provided without discrimination.

Article 2

The scope of this Sub-Decree governs all persons using national domain names on the internet.

Article 3

Key terminologies used in this Sub-Decree are defined in the glossary attached as the annex of this Sub-Decree.

Chapter 2 Competent Institutions

Article 4

Ministry of Post and Telecommunications, hereafter referred to as “**MPTC**,” is the institution mandated to manage national domain names on the Internet.

Telecommunication Regulator of Cambodia, hereafter referred to as “**TRC**,” regulates the use of national domain names, and performs the following roles and duties:

- A. Grant, modify, transfer, suspend, or revoke national domain name registration certificates and update information related to the national domain names;
- B. Prepare a list of the reserved and prohibited domain names;
- C. Establish and publicly publish WHOIS Database;
- D. Store electronic personal information through any means to ensure that the information is protected securely under all reasonable circumstances to circumvent the loss, access, use, modification, leaking, or disclosure of such information except otherwise agreed by registrant or other party permitted by laws;
- E. Take measures to suspend or delete national domain names which are used contrary to the laws and applicable regulations;
- F. Formulate legal regulations and development plans to promote and encourage the use of national domain names;
- G. Cooperate with national and international institutions in relation to the management of national domain names; and
- H. Perform other roles and duties pursuant to the instruction of **MPTC** Minister.

Chapter 3 National Domain Name Usage

Article 5

The usages of national domain names are determined as follows:

- A. Top Level Domains are allocated for persons inside and outside of the Kingdom of Cambodia which have the following forms:
 1. <applied name>.kh
 2. <applied name>.កម្ពុជា

- B. Second Level Domains are allocated for legal persons that are established or registered in accordance with the laws of the Kingdom of Cambodia which have the following forms:
 - 1. <applied name>.com.kh for commercial enterprises or public enterprises.
 - 2. <applied name>.org.kh for organizations, associations or trade unions.
 - 3. <applied name>.edu.kh for public and private education institutions.
 - 4. <applied name>.net.kh for companies or institutions providing computer network services.
- C. Second Level Domain is allocated for ministries and governmental institutions in the form of <applied name>.gov.kh without validity set and payment required.

Other levels and types of national domain names shall be determined by a Decision of the government following the request by the **MPTC** Minister.

Applied names, which are defined in paragraphs A, B, and C of this Article, can be provided in Khmer or foreign languages and can be consonant, vowel, number or hyphen, or the combination of consonant, vowel, number, and/or hyphen but cannot be more than 63 characters which can be closely reflected the identity, operation, or services of applicant granted by the competent authority. Consonant, vowel, number, and hyphen that can be used for registration under Top Level Domain and Second Level Domain shall be determined by **MPTC**.

Article 6

Ministries and governmental institutions which intend to use the national domain name under Second Level Domain as stated in paragraph C of Article 5 shall submit an application to **TRC** and store the data in the Kingdom of Cambodia, except otherwise determined by the separate provision or Decision of the government. Ministries and governmental institutions that have been granted the right to use the national domain name shall send the name and contact information of authorized focal persons to **TRC** to administer the management and use of national domain name through automated system.

MPTC shall host and store the data of all ministries and governmental institutions that use national domain names in the national data center or data center of the government and provide support to all ministries and governmental institutions to ensure the efficiency and sustainability of the national domain names usage.

Article 7

Legal persons registered in the Kingdom of Cambodia shall provide electronic addresses containing national domain names as determined in Article 5 of this Sub-Decree at the annual declaration concerning the status of the company at the Ministry of Commerce.

Notwithstanding the provision stated in paragraph 1 of this Article, legal persons also have the rights to use other domain names in addition to the national domain names for their commercial operations.

Article 8

Registration of national domain names shall adhere to the principle of first come first served. National domain names that are unregistrable are as follows:

- A. National domain names that are identical or confusingly similar to the names or abbreviations or acronyms of the official or translated names of any states, intergovernmental organizations, or organizations established by international

conventions, except with the consent of the competent authority of such states or such organizations;

- B. National domain names that are identical to or confusingly similar to :
 - Registered domain names at **TRC**
 - Registered marks or tradenames in the Kingdom of Cambodia
 - Name of registered companies or enterprises.
- C. Reserved or prohibited domain names;
- D. Domain names harming morality, tradition, religion, and contravening the laws and applicable regulations.

Reserved and prohibited domain names, mechanism for cooperation, linkage, and exchanging of information related to national domain names and registrants shall be determined by a joint Prakas between **MPTC** Minister and Minister of Commerce.

Article 9

Except ministries and governmental institutions, any person who intends to use national domain name can file an application with **TRC** through an automated system or with the registrar.

A person who files application for national domain name registration through automated system shall complete the application form and provide relevant documents according to a Prakas of **MPTC** Minister. **TRC** shall review and decide on the application within 3 (three) working days after applicant fills in the correct information and provides sufficient documentation. In the event of incorrect information or insufficient documentation provided, **TRC** shall notify applicant to rectify information or provide additional documents within 3 (three) working days upon the date of notification. In the event that rectification has not been made, the application shall be annulled. **TRC** shall review and decide on the application within 3 (three) working days after applicant rectifies information or provides additional documents as required by **TRC**.

Upon the receipt of the decision of granting national domain name as stated in paragraph 2 of this Article, applicant shall pay the usage fee of national domain name in order to obtain the right to use.

Provisions in paragraphs 2 and 3 of this Article shall apply *mutatis mutadis* to the registration of national domain name through registrar.

Conditions, formalities, and procedures of requesting and granting to be registrar shall be determined by a Prakas of **MPTC** Minister.

Article 10

Registered domain name shall have at least 1 (one) year validity period from the date of registration and can be renewed for subsequent years under the condition that the registrant pays the fee as required.

Registrant has rights to use national domain name as follows:

- A. Right to use the national domain name to identify website address, e-mail address and address of services that use other protocols to promote activities or trades or other information and for online communications.
- B. Right to create a subdomain to use for their operations or activities.
- C. Right to transfer national domain name to a third party.

Article 11

Registrant shall have obligations as follows:

- A. Ensure the accuracy of the information and documents provided to **TRC** and registrar.
- B. Shall not use national domain name to promote activities or trades or other information, and communicate on the internet that affect culture, morality, traditions, customs, individual rights, consumer rights, public legal interests, national security, or social order.
- C. Shall not allow to use or lease national domain name to a third party.
- D. Shall not transfer or allow to use or lease subdomain name created under registered national domain name to a third party.
- E. Shall notify and fulfill conditions required by **TRC** in the event of transferring national domain name.
- F. Cooperate with **TRC**, **MPTC**, and competent authorities as required by laws and applicable regulations.

Article 12

Registrant of national domain name registered under Top Level Domain may transfer such domain name to third party by filing application to **TRC** through automated system with relevant documents and continue to pay annual usage fee of the national domain name that is a subject of the transfer.

Provision in the paragraph 1 of this Article shall apply *mutatis mutandis* to the transfer of national domain name through registrar.

Article 13

National domain names registered under Second Level Domain can be transferred to a third party by complying with requirements set out in Article 12 above and permissible under followings conditions:

- A. The change of trademark owners, or the occurrence of mergers and acquisitions.
- B. The agreement between transferor and transferee.
- C. The arbitral award or competent court's decision related to the transfer of national domain name.
- D. The death of registrant, or the declaration of the disappearance of registrant by the court.

Provision in the paragraph 1 of this Article shall apply *mutatis mutandis* to the transfer of national domain name through the registrar.

Article 14

A national domain name that is expired as a result of nonpayment of the usage fee shall be suspended from the expiration date. A suspended national domain name may be reactivated after registrant pays the required fee in the full amount.

In the event of nonpayment of usage fee within 60 (sixty) days after the expiration date, such national domain name shall be deleted from the national domain name management system.

Article 15

Besides the conditions stated in the paragraph 2 of Article 14 above, the national domain name may be deleted from the national domain name management system in the following cases:

- A. The request of registrant;
- B. The violation of the obligations as defined in Article 11 of this Sub-Decree;
- C. The request of competent authority in accordance with the laws and applicable regulations;
- D. The decision by **TRC**, arbitral tribunal, or competent courts of the Kingdom of Cambodia.

Article 16

A national domain name which has been deleted as stated in Article 14 and point A of Article 15 above shall be made available for re-registration in accordance with the conditions and procedures of national domain name registration.

Article 17

Conditions, formalities, and procedures of granting, transferring, suspending, and deleting national domain name from the national domain name management system shall be determined by a Prakas of **MPTC** Minister.

Article 18

The public services fee related to the use of national domain name shall be determined by a joint Prakas between **MPTC** Minister and Minister of Economy and Finance.

Chapter 4 WHOIS Database

Article 19

TRC shall establish WHOIS database to store and publicly publish information of registered national domain names.

The publicly accessible information in respect of national domain name are:

- A. National domain name;
- B. Administrative contact information of registered national domain name;
- C. Name of registrar;
- D. Registration date, renewal date and validity period; and
- E. Name server of registered national domain name.

Besides the information set out above, the disclosure of other personal information related to national domain name requires prior consent of such registrant or as required by competent authority in accordance with laws and applicable regulations.

Chapter 5 Dispute Resolution

Article 20

In the event that disputes concerning national domain names arise, disputed parties shall settle the disputes through conciliation conducted by **TRC** and joined by other relevant institutions.

Formalities and procedures of conciliation shall be determined by a joint Prakas between **MPTC** Minister and Minister of Commerce.

In the absence of a settlement, the disputed parties may proceed to arbitration or competent court of the Kingdom of Cambodia pursuant to applicable regulations.

Article 21

Dispute resolution fee stated in paragraph 1 and paragraph 2 of Article 20 above shall be determined by a joint Prakas between **MPTC** Minister and Minister of Economy and Finance.

Chapter 6 Transitional Provisions

Article 22

All ministries and governmental institutions that are using other domain names and/or are storing data outside the Kingdom of Cambodia shall change to use national domain names and transfer the data to store in the Kingdom of Cambodia within 12 (twelve) months after this Sub-Decree comes into effect unless otherwise stated by the Government.

Article 23

Persons, who obtain approval to register domain names under Second Level Domain before this Sub-Decree comes into effect and have not registered their companies in accordance with the laws of the Kingdom of Cambodia, shall file for company registration and request to register national domain names at **TRC** within 12 (twelve) months after this Sub-Decree comes into effect.

Article 24

Registrant of national domain name registered through any persons or agents that do not have certificates issued by **TRC** shall file application for national domain name registration at **TRC** within 6 (six) months after this Sub-Decree comes into effect.

Chapter 7 Final Provisions

Article 25

Any provisions which are contrary to this Sub-Decree shall be abrogated.

Article 26

Minister in charge of the Council of Ministers, Minister of Post and Telecommunications, Minister of Commerce, other ministers, and heads of all relevant institutions shall be responsible for implementing this Sub-Decree according to their respective duties from the date of signature.

Phnom Penh, December 31, 2021
Prime Minister

[Seal and Signature]

Samdech Akka Moha Sena Padei Techo HUN SEN

Respectfully submitted to
Samdech Akka Moha Sena Padei Techo HUN SEN for signature

Minister of Post and Telecommunications

Minister of Commerce

[Signature]

[Signature]

Chea Vandeth

Pan Sorasak

CC:

- Ministry of Royal Palace
- General Secretariat of the Constitutional Council
- General Secretariat of the Senate
- General Secretariat of the National Assembly
- Office of Samdech Akka Moha Sena Padei Techo Prime Minister
- Offices of Samdech, Excellencies, Lok Chum Teav, Deputy Prime Ministers
- As stated in Article 26
- Royal Gazette
- Document-Archive

**Annex of the Sub-Decree no. 287 ANKr.BK, dated December 31, 2021,
on the Management and Use of the National Domain Name on the Internet**

Glossary

- 1. Domain Name** Refers to a name used to determine internet address of a server that comprises of applied name which can be consonant, vowel, number or hyphen, or a combination of consonant, vowel, number, and/or hyphen, and other letters, and separated by symbol "." . Domain name can be created by:
A. the use of consonant, vowel, number or hyphen in ASCII tables, called ASCII domain names.
B. the use of consonant, vowel, number or hyphen of the national language of any country, called Internationalized Domain Name.
- 2. National Domain Name** Refers to a domain name ended with words .កម្ពុជា and .kh. The hierarchy of national domain names is divided into Top Level Domain, Second Level Domain, and other levels.
- 3. Top Level Domain** Refers to the highest level domain in the hierarchy of national domain names consisting of .កម្ពុជា and .kh, and is represented as identity of the Kingdom of Cambodia on the Internet.
- 4. Second Level Domain** Refers to a domain which is on the left after the Top Level Domain.
- 5. Registrar** Refers to a legal person registering in accordance with the law of the Kingdom of Cambodia and receiving a certificate issued by **TRC** in providing services concerning national domain name registration.
- 6. Mark** Refers to the visible signs and can distinguish the differences of the goods or services of each enterprise.
- 7. Database** Refers to a collection of connected data or information stored in a computer through any means, in which they can be easily viewed, added, searched, or changed.
- 8. Registrant** Refers to a person who has received a certificate of registration for the use of the national domain name from **TRC**.
- 9. WHOIS** Refers to the Internet protocol used for public search of information related to registered national domain names and is established in accordance with the technical standard RFC3912 of ICANN.
- 10. Server** Refers to computers or devices that supply other information or services to other computers in the network.
- 11. Subdomain** Refers to a domain that is created and located to the left after applied name.
- 12. Person** Refers to a natural person or legal person.