



Schweizerische Eidgenossenschaft
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Swiss Confederation

Federal Office of Communications OFCOM



.swiss/RP

Guidelines

for

registering .swiss domain names

4th edition: 2024

Valid from: 24.04.2024

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1 General

1.1 Scope

These guidelines define the terms and conditions governing the registration of .swiss domain names.

1.2 Abbreviations

ACE string	ASCII (American Standard Code for Information Interchange) compatible encoding string
ccTLD	Country code top-level domain
DNS	Domain name system
IANA	Internet Assigned Numbers Authority
IANA IDN	Internet Assigned Numbers Authority internationalised domain names
ICANN	Internet Corporation for Assigned Names and Numbers
ISO	International Organization for Standardization
OFCOM	Federal Office of Communications
TLD	Top-level domain
UDRP	Uniform Domain Name Dispute Resolution Policy
URS	Uniform Rapid Suspension System

1.3 Definitions

Accredited registrar	An ICANN-accredited registrar who has entered into an agreement (the 'Registrar Agreement') with the registry and who is authorised to register names in the .swiss TLD
Generic name	A name that refers to or generally describes a category or class of goods, services, persons, groups, organisations, products, techniques, sectors or activities
Applicant, you and your	The entity applying for or wishing to register a .swiss domain name with an accredited registrar
Registry Agreement	The agreement concluded between the registry and ICANN on 16 October 2014, available at: https://www.icann.org/resources/agreement/swiss-2014-10-16-en
Registration data	All of the information required to register the domain name, including complete and accurate contact details for the natural persons or legal entities associated with the domain name
Registry, we, us and our	The Swiss Confederation, which is a sovereign state established in accordance with the Federal Constitution of the Swiss Confederation, as the entity responsible for managing the .swiss TLD
Reserved name	The meaning given by ICANN to Specification 5 of the .swiss TLD Registry Agreement between the registry and ICANN. It therefore refers to all .swiss domain names on the list of reserved names that cannot be registered or assigned.

2 Acceptance of these registration principles

2.1 By applying to register a .swiss domain name and by requesting or consenting to a renewal of your .swiss domain name, you agree to comply with:

- a. these registration guidelines, as well as their future updates by the registry;
- b. the registration agreement provided by the accredited registrar (i.e. the organisation accredited by ICANN and the registry to provide registration services for .swiss domain names) to whom you have submitted your application for a .swiss domain name;
- c. the legal act of domain name assignment by the registry;
- d. the Ordinance of 5 November 2014 on Internet Domains (OID; SR 784.104.2) including any amendments to it by the Federal Council, and the technical and administrative regulations relating to the .swiss domain name including any amendments to them by OFCOM; and
- e. all other principles defined by ICANN as well as their future modifications.

2.2 In case of conflict, priority will be given to the OID including any amendments to it by the Federal Council and the technical and administrative regulations relating to the .swiss domain including any amendments to them by OFCOM.

2.3 It is your sole responsibility to determine at all times whether the registration and use of your .swiss domain name complies with these registration guidelines and the other agreements and regulations mentioned in Point 2.1. If this is not the case, you will bear full responsibility.

2.4 We cannot guarantee that you will be assigned your requested .swiss domain name, even if it appears to be available at the time of your request.

3 Registration conditions

3.1 Syntax rules

- a. Your .swiss domain name must comply with the syntax standards defined by ICANN and the registry, as well as the technical and administrative requirements relating to the .swiss domain name.
- b. All the characters listed in the IANA IDN table for .swiss, published by IANA at <http://www.iana.org/domains/idn-tables> are accepted.
- c. Your .swiss domain name or the corresponding ACE string must be between 3 and 63 characters long. The two-character names of Swiss communes or localities and the two-character abbreviations used to designate Swiss cantons are exceptions and may be assigned to the public bodies concerned. In addition, OFCOM may make exceptions to the minimum number of characters where this is justified by an overriding public interest.

3.2 General eligibility conditions

The following conditions must be met to register or renew a .swiss domain name:

- a. You must be an **entity or a natural person** with a **sufficient connection to Switzerland**. This applies if you are:
 - i. a public body or other Swiss public law organisation;
 - ii. an entity entered in the Swiss commercial register with its registered office and a physical administrative site in Switzerland;
 - iii. an association or foundation that is not entered in the Swiss commercial register and has its registered office and physical administrative site in Switzerland; or

- iv. a natural person residing in Switzerland or a Swiss national.
- b. At the time of the request, the requested name belongs to a category of names **available for assignment**.
- c. The intended use is permitted under Swiss law. If the domain name is used to provide or advertise products or services, a registered office and a physical administrative site or domicile in Switzerland are required.
- d. The requested name can be legitimately considered as **objectively linked to the applicant or to the intended use of the domain name**.

For non-natural persons, this is particularly the case if the name meets one of the following conditions:

- i. it contains a name for which the applicant holds distinctive sign rights;
- ii. it refers to a name that is objectively linked to the state or its activities and is required by the public body or public-law organisation concerned;
- iii. it contains a geographical designation, variation or obvious abbreviation of the name, for which the applicant has – or is publicly perceived to have – a legitimate right or interest, or for which permission for use has been granted by public bodies or other relevant organisations;
- iv. it reflects a name in which the applicant has a legitimate interest or which is publicly perceived to be associated with the applicant;

For natural persons, an objective relationship exists when the domain name contains, in addition to an optional, freely chosen name, at least one of the following names:

- i. one of their official names or other names in the civil register;
 - ii. one of their first names;
 - iii. a name for which the applicant holds distinctive sign rights;
 - iv. the married name, registered partnership name, name received in a religious order or artist name by which the person is known;
- e. The requested name is not a generic name, subject to the naming mandate of the registry as defined in Point 6 of these registration guidelines.

In exceptional cases, the registry may assign domain names that do not meet the eligibility requirements set out under this point if this is in the interests of the Swiss community.

3.3 Specific eligibility conditions for certain names or categories of names

The following names or categories of names (in the Swiss national languages and in English) may only be assigned as domain names to the following persons:

- a. the names of institutions and units of the Federal Administration, the names of Federal Councilors and the Federal Chancellor, the names of official buildings, and other names related to the state that appear in the central list of names worthy of protection as domain names may only be registered by the Swiss public body with the relevant jurisdiction over them;
- b. the names of Swiss cantons, communes and localities, as well as two-character abbreviations designating Swiss cantons, may only be registered by the Swiss public bodies with the relevant jurisdiction over them;

In the absence of agreement between cantons and communes with the same name, the name is assigned to the respective commune.

A party registering a two-letter domain name under the .swiss domain corresponding to a ccTLD code point in the ISO3166-1 alpha 2 list understands and agrees that this domain name

must be used in a manner that does not imply that the applicant or the applicant's activities are – or appear to be – affiliated with any government or country code official where no such affiliation, sponsorship or endorsement exists.

Applicants requesting domain names such as these understand and agree that the registry may take action in response to any reports from government agencies and ccTLD operators of conduct that results in confusion with the corresponding country code in connection with the use of a two-letter domain. Applicants also acknowledge that such action may have an impact on the registration of these domain names, including the suspension or deletion of the domain if the registry determines that there has been a violation of any provision of these guidelines.

- c. The names and abbreviations of international organisations protected by Swiss law may only be registered by these organisations.

4 Reserved names

The registry may, and under certain conditions must, exclude certain .swiss domain names from registration.

4.1 Reserved names, as required by ICANN

ICANN provides a list of categories of reserved domain names that the registry is not permitted to register except under certain conditions. These conditions are described in Specification 5 of the Registry Agreement.

4.2 Names reserved by the registry

We reserve the right, at our sole discretion:

- a. to declare certain domain names unavailable for registration or to only authorise their assignment under certain conditions;
- b. to determine when and under what conditions these domain names may be registered, and how they may be used.

Where a two-letter reserved domain name is assigned by the registry, the conditions set out in paragraphs 3 and 4 of Point 3.3 b) above shall apply.

5 Assignment process

5.1 Publication period

Once your application for a .swiss domain name has been submitted, the registry will examine it and publish it for 20 (twenty) days (the '**publication period**' of the application), unless the name is not available or the application clearly does not comply with the syntax rules or the general eligibility conditions set out in Point 3 of these registration guidelines. During the 20 (twenty) days of this publication period, other applicants may request to register the same name.

5.2 Dispute resolution criteria

If several eligible applications are submitted for the same name during the publication period, the name will be assigned based on the following order of priority:

- a. to the public body or public law organisation if it is in competition with private applicants and the requested name is of public interest;

- b. to the public body or public law organisation that intends to use the domain name in a manner that provides significantly greater added value for the Swiss community than other proposed uses. If no proposal satisfies this requirement and the public bodies or public law organisations cannot agree on a single or joint application, the registry will not assign the domain name.
- c. among private applicants:
 - i. to the applicant with distinctive sign rights to the domain name concerned if it is in competition with applicants not benefiting from such a right;
 - ii. to the highest bidder in an auction when the applicants have competing distinctive sign rights to the domain name concerned, unless holding an auction appears inappropriate in view of all the circumstances or the applicants. The proceeds from this auction are subsequently paid into the federal treasury;
 - iii. if no applicant has distinctive sign rights:
 - to a legal entity if it is in competition with natural persons;
 - to the applicant who made their request first in the event that all applicants intend to use the domain name for non-commercial purposes;
 - to the applicant who intends to use the domain name in a manner that provides significantly greater added value for the Swiss community than other proposed uses. If no proposal satisfies this requirement and the applicants cannot agree on a single or joint application, the registry decides on the assignment through a lottery or auction. The proceeds from this auction are subsequently paid into the federal treasury.

6 Naming mandates

6.1 Domain names that correspond or are similar to generic names of particular interest to all or part of the Swiss community must be assigned under a naming mandate. The registry may compile and maintain a non-exhaustive list of relevant names or naming categories.

6.2 The registry can assign domain names under a naming mandate:

- a. following a call for proposals, which must comply with the principles of objectivity, non-discrimination and transparency; or
- b. based on a speculative application.

6.3 Any applicant requesting the assignment of a domain name under a naming mandate must:

- a. demonstrate compliance with the syntax rules and general eligibility conditions set out in Point 3 of these registration guidelines (except the rule regarding non-generic names);
- b. demonstrate that it represents all or a significant part of the community concerned by the requested name or that the application is supported by all or a significant part of this community;
- c. indicate any related domain names in German, French, Italian or English that it wishes to include in the naming mandate;
- d. demonstrate that the proposed use of the domain name and the services offered in connection with the name will benefit the entire community concerned;
- e. show how it will ensure that the requirements outlined in Title 2 of the Federal Act of 28 August 1992 on the Protection of Trade Marks and Indications of Source (TmPA; SR 232.11) are met by all products offered using a domain name whose name refers to a product, its characteristics or a category of products;
- f. demonstrate the extent to which its proposal adds value for both the community concerned and the wider Swiss community;

- g. demonstrate that it meets the conditions stipulated by the registry in terms of the qualities expected of the domain name or the desired proposal;
 - h. put forward a naming mandate proposal.
- 6.4 The registry publishes the applications it receives. Other applicants may apply for the same domain name during the 20 (twenty) days following publication.
- 6.5 In the event of multiple applications, the registry will award the domain name to the applicant whose proposal provides significantly greater added value for the community concerned and the wider Swiss community than the other propositions.
- 6.6 If the registry is unable to reach a decision in accordance with the criterion set out in Point 6.5 and the applicants cannot agree on a single or joint application, the registry decides on the assignment through a lottery or auction. The proceeds from this auction are subsequently paid into the federal treasury.
- 6.7 A domain name assigned under a naming mandate is temporary and must be used. Redirects are only permitted to other .swiss domain names assigned under the relevant naming mandate.
- 6.8 The registry provides naming mandates to interested third parties on request; it may also make them available through a bidding process or publish them in some other way. It does not disclose any clauses or annexes containing confidential business information.
- 6.9. The registry is permitted to terminate a naming mandate when:
- a) the holder no longer meets the assignment conditions or does not comply with the provisions of the mandate, or
 - b) the holder has not paid the outstanding fees.

7 Using your .swiss domain name

- 7.1 You are entirely responsible for the use and proper functioning of your domain name at all times.
- 7.2 You ensure that your .swiss domain name is always used:
- a. in a way that is generally accepted as legal under Swiss law;
 - b. in a way that serves the Swiss community, its image and its political, economic, legal and cultural interests both in Switzerland and worldwide;
 - c. based on good faith at the time of registration and thereafter.
- 7.3 In particular, you also undertake not to:
- a. use your .swiss domain name in violation of the rights of third parties, including intellectual property rights in the broadest possible sense;
 - b. use your .swiss domain name to send unsolicited commercial advertising that contravenes Swiss law or the generally recognised principles governing the use of the internet;
 - c. distribute malicious software, use botnets, infringe intellectual property rights, or engage in phishing, piracy, fraudulent or deceptive practices, counterfeiting, or any other activity that is contrary to the applicable law;
 - d. use your .swiss domain name for the sole purpose of selling, reselling or otherwise transferring it to third parties. You also prohibit third parties from doing so and refrain from anything that would support them to this end;
 - e. use your .swiss domain name in a manner that the registry considers may damage or bring into disrepute the name, image or reputation of Switzerland, the Swiss Confederation or other Swiss public bodies, the Swiss community in general or the Swiss communities concerned.

8 Refusal, revocation and suspension

8.1 The registry may refuse, revoke or suspend any application for – or assignment of – a domain name at any time, without the applicant or requesting party being entitled to claim any reimbursement or compensation from the registry, in the following cases:

- a. if the name does not meet or no longer meets the conditions set out in Point 3 of these registration guidelines;
- b. if the name chosen misleads or deceives the public;
- c. if it is clear from a brief examination that the name chosen infringes third party rights to a distinctive sign;
- d. if it is compulsory to comply with the decision of a dispute resolution service, competent court, arbitration tribunal or Swiss administrative or criminal prosecution authority; or with any applicable dispute resolution procedure;
- e. if the characteristics or values underlying the domain conflict with its registration or ongoing registration;
- f. if the name chosen is contrary to Swiss public policy, morality or applicable Swiss law;
- g. if it appears that a generic name assigned as a 'regular' domain name should be assigned under a naming mandate; the beneficiary of the naming mandate pays the former holder compensation that includes all the costs of registering and managing the revoked domain name;
- h. if the domain name contains a geographical name that is of particular interest to all or part of the Swiss community and is required by a public body or other public law organisation; the latter pays the former holder compensation that includes all the costs of registering and managing the revoked domain name;
- i. if there are reasonable grounds to believe that the holder applied for assignment with the aim of damaging the reputation of another party with a legitimate interest in that name or a related name, or that of a product or service publicly perceived to be associated with that name;
- j. if there are reasonable grounds to believe that the holder applied for assignment with the aim of benefiting from the reputation of another party with a legitimate interest in that name or a related name, or that of a product or service publicly perceived to be associated with that name;
- k. if the registry deems it necessary in order to avoid any liability on the part of the Swiss Confederation, its agents, officials, directors, representatives or employees.
- l. if the holder is a natural person who does not have Swiss nationality and is moving abroad; the domain name assignment may be revoked in the following circumstances:
 1. if the holder does not correctly identify themselves or provide a valid correspondence address in Switzerland within 30 (thirty) days when required to do so by the registry, OFCOM or a Swiss authority performing its duties,
 2. if the holder uses the domain name to offer products or provide services or advertise them,
 3. if there are reasonable grounds for suspecting that the holder is using the domain name for a purpose or in a manner that is unlawful under Swiss law.

8.2 The registry may refuse to assign your .swiss domain name for technical reasons.

8.3 The registry may also refuse to assign your .swiss domain name if:

- a. the applicant is bankrupt, in liquidation or in composition proceedings;
- b. the registry deems it necessary to protect the integrity, security and stability of the DNS, technical infrastructures and registration services of the .swiss registry.

9 Blocking of your .swiss domain name

9.1 The registry will block your .swiss domain name in the following circumstances:

- a. there are reasonable grounds for assuming that the domain name in question is used for:
 - i. accessing critical data using illicit methods;
 - ii. distributing or exploiting malicious software; or
 - iii. supporting activities within the scope of letter i or ii above.
- b. a cybercrime unit recognised by OFCOM has submitted a blocking request and the conditions in letter a above are met.

9.2 If the conditions outlined in Point 9.1 are met, but no blocking request has been sent by a service as per Point 9.1.b, the registry may technically and administratively block a domain name for a maximum of 5 (five) working days. This block may be extended up to a maximum of 30 (thirty) days:

- a. if there are reasonable grounds to believe that the holder is clearly using false identification data or is impersonating a third party, or;
- b. if there is an urgent need to prevent imminent and irreparable harm.

If the conditions outlined in Point 9.1 are met and the blocking request has been sent by a recognised service as per Point 9.1.b, the registry must technically and administratively block a domain name for a maximum of 30 (thirty) days.

9.3 The registry shall immediately inform the holder electronically that the domain name has been blocked. At the same time, the registry shall ask the holder to provide a valid correspondence address in Switzerland if necessary and identify themselves within 10 (ten) days. It shall revoke the domain name if the holder fails to comply within the specified period.

9.4 The registry shall lift the technical and administrative block on the domain name after 5 (five) working days or, in the event of an extension, 30 (thirty) days. If the domain name is blocked following a request from a recognised service as per Point 9.1.b, the registry shall lift the technical and administrative block on the domain name 30 (thirty) days after processing the request. The block may remain in force beyond 30 (thirty) days at the request of OFCOM.

9.5 In the case of newly assigned domain names, the registry may block a domain name that has been assigned for less than 90 (ninety) days for a period of 10 (ten) days if there are reasonable grounds to believe that the holder is clearly using false identification data or is impersonating a third party and is using the domain name for a purpose or in a manner that is unlawful. The registry asks the holder to identify themselves within 10 (ten) days. If the holder does not identify themselves within the requested period, the registry revokes the assignment of the domain name.

9.6 The registry redirects data traffic destined for or passing through a domain name for analysis purposes in the following circumstances:

- a. the domain name concerned is blocked in accordance with Point 9.1;
- b. the sole purpose of processing the information is to identify and inform the victims of activities as per Point 9.1.a, and to analyse operations with a view to developing techniques to identify, combat, limit or prosecute these activities. Any information collected that has no connection with these activities may not be used and must be deleted immediately;
- c. the redirection of traffic for analysis purposes is required by a recognised service as per Point 9.1.b for a maximum of 30 (thirty) days.

Traffic redirection may only be maintained beyond the set deadlines at the request of OFCOM.

10 Personal data

10.1 You shall provide all the necessary information for registering the domain name, as well as the exact details of all natural persons, legal entities and other entities associated with domain name registrations, as required by the registration procedure, including:

- a. your name, postal address, email address, telephone number and fax number (if applicable), and/or those of your organisation;
- b. the name, postal address, email address, telephone number and fax number (if applicable) of the contact person for technical matters relating to the registered name;
- c. the name, postal address, email address, telephone number and fax number (if applicable) of the contact person for administrative matters relating to the registered name;
- d. the unique business identification number (UID) for non-natural persons;
- e. the AHV/AVS number for natural persons;
- f. the intended use of the domain name.

All of the data referenced in Section 10.1 is collectively referred to as '**registration data**'. This information must be provided in order to register a domain name.

10.2 During the domain name registration period, any incorrect or inaccurate registration data must be rectified and updated immediately.

10.3 The registry collects your registration data along with other information or personal data (either directly or from the accredited registrar) for the purposes of registering and maintaining your .swiss domain name, as well as for the operational management of the domain name, including transfers, compliance checks and other purposes. You agree that your registration data may be:

- a. processed by the registry to provide registry services as required by ICANN;
- b. published, to the extent permitted by ICANN guidelines and current Swiss data protection legislation, in the Whois database, where certain registration data can be consulted by anyone with internet access;
- c. sent to an escrow agent, i.e. a data deposit agent who provides data retention services, in accordance with Specification 5 of the Registry Agreement with ICANN;
- d. available to ICANN for verification.

10.4 The registry ensures the security and confidentiality of the registration data collected, protecting it against loss, misuse, unauthorised disclosure, alteration and destruction.

10.5 In the case of third parties (such as contact persons for administrative and technical matters) whose registration data you may provide to us (either directly or via your registrar), you confirm that you have informed them of:

- a. how their registration data will be used and by whom,
- b. how they can access the registration data we hold and modify it if necessary (either directly or via your registrar).

10.6 You confirm that you have obtained consent from such third parties to process their personal data in accordance with these registration guidelines.

10.7 The legal bases authorising the collection and processing of registration data are Art. 11 OID (Log of activities), Art. 13 OID (Personal data), Art. 14 paras 2 and 4 OID (Dispute resolution services), Art. 15 OID et seq. (Measures on suspicion of abuse), Art. 16 OID (Administrative assistance and cooperation), Art. 18 OID (Information of the public), Art. 21 OID (Duties to provide information), Art. 23 OID (Obligation to collaborate), Art. 24a OID (Acquisition of personal data for domain name assignment), Art. 29 OID (Holder's obligations) and Art. 52 OID (Provision of data). The Federal Act of 19 June 1992 on Data Protection (FADP; SR 235.1) also applies.

10.8 The registry (and the registrar concerned) must provide third parties with reasonable access to registration data based on a legitimate interest of the third party, unless the interests or fundamental rights and freedoms of the registered domain name holder or the person concerned prevail in accordance with Art. 13 para. 1 FADP.

Personal data will only be disclosed if there is a legal basis for doing so and on a case-by-case basis. The legal basis may be Art. 14 para. 3 OID (for URDP and URS cases), Art. 15 et seq. and Art. 16 OID (in the case of requests submitted by a competent authority) or Art. 13 FADP (based on the legitimate interest of third parties).

10.9 The processed data is deleted one year after the expiry of the registration agreement. If contacts remain unattached to active domains for more than a year, we erase them from the production system entirely. This post-contractual retention period of one year is currently imposed by ICANN.

Legal retention obligations (Art. 11 para. 2 OID) require us to retain historical data in a separate database with restricted access, stored on secure servers controlled by us, for a period of 10 years from the expiry date of the registration agreement.

11 Applicant liability

11.1 You agree to release the registry from any liability for third-party claims, complaints, actions and objections relating to rights to the .swiss domain, registrations, usage and transfers.

11.2 As a result, you are responsible for paying any damages attributed to the registry in the context of disputes, preliminary proceedings or any other claims – including costs related to defending its interests and paying legal fees.

12 Dispute resolution

12.1 General review procedure

Assignments, refusals, revocations and blocks of domain names under the registration guidelines may be contested in accordance with the general review procedure set out in Art. 15c para. 1, Art. 27 para. 4 and Art. 31 para. 2 OID. If the interested party formally requests a review, OFCOM issues a formal decision, which may be appealed before the Federal Administrative Court in accordance with the Federal Act of 20 December 1968 on Administrative Procedure ([APA](#); SR 172.021).

You agree to respect and comply with the dispute resolution process relating to your .swiss domain name as outlined by this general review procedure.

12.2 ICANN dispute resolution procedures

You agree to respect and comply with all ICANN general policies and dispute resolution processes relating to your .swiss domain name. You also agree in particular to abide by the following dispute resolution guidelines:

- a. The Uniform Domain Name Dispute Resolution Policy ('**UDRP**') adopted by ICANN, published at <http://www.icann.org/en/help/dndr/udrp/policy>, as referred to within these registration guidelines. Any third-party challenge to the registration of your .swiss domain name under the UDRP will be dealt with in accordance with the regulations set out at <http://www.icann.org/en/dndr/udrp/uniform-rules.htm> and any additional rules chosen by the service provider relating to the resolution of administrative disputes.
- b. The Uniform Rapid Suspension Guidelines ('**URS**') and the URS procedure adopted by ICANN, published at <http://newgtlds.icann.org/en/applicants/urs>, as well as all other dispute resolution guidelines established by ICANN.

13 Amendments to these guidelines

13.1 We reserve the right to modify these registration guidelines at any time.

13.2 As soon as a new version comes into force, this is immediately applicable to:

- a. any new domain name; or
- b. existing domain names when renewed for the first time.

13.3 The applicable version of the .swiss domain name registration guidelines is the version available on our website on the date we receive your registration request.

14 Applicable law and place of jurisdiction

14.1 These registration guidelines are governed by Swiss law.

14.2 Any legal dispute arising from the interpretation or implementation of these registration guidelines must be resolved through the general review procedure set out in 12.1 above.