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## **INSTRUCTION FROM THE GENERAL MANAGER OF THE PUBLIC BUSINESS ENTITY RED.ES, WHICH OUTLINES THE PROCEDURES APPLICABLE TO ASSIGNMENT AND OTHER OPERATIONS ASSOCIATED WITH REGISTERING ".ES" DOMAIN NAMES**

### **PREAMBLE**

On 21 October 2004, in order to adapt the legal procedures used by the ".es" Domain Name Register to the stipulations of Order CTE/662/2003, dated 18 March, which establishes the National Plan for Domain Names Under the Country Code Corresponding to Spain (".es"), the Chairman of the public business entity Red.es modified the Instruction dated 18 July 2003, which outlines the procedures applicable to assignment and other operations associated with registering ".es" domain names.

On 1 June 2005, the new National Plan for Domain Names Under the Country Code Corresponding to Spain (".es") took effect, approved by Order ITC/1542/2005, dated 19 May, a regulation that has marked a turning point in the evolution of ".es" domain name registration, thanks to the simplification and increased flexibility of the requirements for assigning ".es" domain names.

The purpose of this Instruction is to continue that process of simplification and increased flexibility by introducing certain modifications that aim to streamline the procedures related to the assignment and management of ".es" domain names. In this respect, one of the measures adopted consists in establishing that all resolutions passed by the General Manager of the entity in the area of domain names be subject to appeal directly before the contentious - administrative courts, without the need to file an administrative appeal beforehand.

On the other hand, to reinforce the Register's personal data protection measures, it has been established that only the minimum personal data required to manage the Register correctly may be viewed through the "Whois" tool on the Register's web page.

Finally, it has been deemed appropriate to include in this Instruction regulation of the procedure for cancelling ".es" domain names, established by the Red.es General Manager's Instruction of 12 December 2005. Therefore, the Instruction dated 12 December is hereby repealed and the cancellation procedure regulations are included in this instruction. In order to prevent abuse of this procedure, cancellation requests will require the existence of legitimate interest for them to be admitted for processing.

The Chairman of Red.es has the authority to establish the procedures for assignment and other operations associated with registering domain names and internet addresses under the country code corresponding to Spain (".es") in accordance with Provision Eighteen of Law 14/2000, dated 29 December, on Tax, Administrative and Social Order Measures, as modified by article 70 of Law 24/2001, dated 27 December 2001, on Tax, Administrative and Social Order Measures, in Additional Provision Six of Law 34/2002, dated 11 July, on Information Society and e-Commerce Services, and Order ITC/1542/2005, dated 19 May, which approves the National Plan for Internet Domain Names Under the Country Code Corresponding to Spain (".es").

The Chairman of Red.es, in accordance with section two, article 7 of Royal Decree 164/2002, dated 8 February, which approves the Articles of Association of the public business entity Red.es, delegated to the Red.es General Manager the authority to establish the procedures for assignment and other operations associated with registering domain names and internet addresses under the country code corresponding to Spain (".es") in the Resolution dated 21 October 2005.

By virtue of the authority delegated to him, the Red.es General Manager hereby issues this Instruction.

This Instruction shall take effect on 22 November 2006.

Madrid, 8 November 2006.

**Marc Murtra Millar.**  
**General Manager of the Public Business Entity Red.es**

## CHAPTER I. GENERAL PROVISIONS

### One. Purpose

The purpose of this Instruction is to establish the procedures for assignment and other operations related to registering domain names and internet addresses under the country code for Spain (".es"). In this respect, it regulates the procedures for assignment, renewal, termination, data modification, management transfer, cancellation and transfer of ".es" domain names.

In accordance with Additional Provision Eighteen of Law 14/2000, in regulating the established mechanisms and procedures for assignment and other operations associated with registering domain names, the practices generally applied and the recommendations of the international entities and organisations that conduct activities related to the management of the internet domain names system were taken into account.

The agreements adopted by the Assignment Authority to improve domain name registration management, issued to develop and execute this Instruction, shall be binding as long as they have been made public on its internet site at least fifteen calendar days prior to them taking effect, except for reasons of urgency for a justified cause.

### Two. Definitions

The following definitions apply for the purposes of this Instruction:

- **Assignment Authority or Register:** The public business entity Red.es, which has been entrusted with assigning domain names under the country code for Spain (".es"), in accordance with Additional Provision Six of Law 11/1998, dated 24 April (the General Telecommunications Act), Additional Provision Six of Law 34/2002, dated 11 July (the Information Society and e-Commerce Services Act), and section Two, Provision One of Order ITC/1542/2005, dated 19 May, which approves the National Plan for Internet Domain Names Under the Country Code Corresponding to Spain (".es") (hereinafter, "the **Domain Names Plan**").

- **Beneficiary or owner:** The individual or incorporated or non-incorporated entity to whom the Assignment Authority grants the right to use an ".es" domain name for the purposes of addressing in the Internet Domain Names System, under the terms established in the Domain Names Plan.
- **Administrative Contact Person:** The individual designated by the beneficiary before the Assignment Authority as the representative in relation to the rights of use of the ".es" domain name, and who has been granted sufficient power of attorney to act as such.
- **Invoicing Contact Person:** The individual designated by the beneficiary before the Assignment Authority as the contact regarding aspects related to the payment of the amounts corresponding to the ".es" domain name assignment and renewal fees.
- **Technical Contact Person:** The individual designated by the beneficiary before the Assignment Authority as the contact regarding the technical aspects related to configuring and operating the ".es" domain name.
- **Registrar:** Entity duly accredited before the Assignment Authority, which, on behalf and in representation of its users, processes the assignment applications and manages the ".es" domain names, in accordance with the National Domain Names Plan, the Registrar contract, this Instruction and the rest of the applicable provisions.
- **".es" Domain Name Assignment:** The procedure by which the Assignment Authority, upon payment of the corresponding fee, assigns an ".es" domain name to an owner by virtue of the applicable regulations.
- **".es" Domain Name Data Modification:** The operation by which the Assignment Authority is requested to modify and update the data corresponding to the registered ".es" domain names.
- **".es" Domain Name Termination:** The operation by which the Assignment Authority is requested to terminate an ".es" domain name permanently, making it available, when appropriate" for subsequent assignment.
- **".es" Domain Name Management Transfer:** The operation by which management of the ".es" domain name is transferred to a Registrar, or by which management of the ".es" domain name is transferred from a Registrar to the beneficiary, who interacts directly with the Assignment Authority.

- **".es" Domain Name Transfer:** The operation by which the Assignment Authority processes the transfer of ownership of an ".es" domain name, for the purposes of internet addressing.
- **Online Domain Name Application:** The electronic document through which the domain name registration procedure begins.
- **Assignment Web Form:** The form containing the data necessary to register ".es" domain names, accessible at the web address: <http://www.dominios.es>
- **Internet Domain Names System :** The system built on a distributed hierarchical database that enables access to an IP address by means of a domain name.
- **".es" Domain Name Registration System:** The computer software and hardware through which the ".es" domain names are registered and managed.

### Three. Notifications

In accordance with Section Six, Additional Provision Six of Law 34/2002, dated 11 July, on Information Society and e-Commerce Services (hereinafter, "LSSI"), the procedures for assigning and managing domain names and notifications sent for said purpose shall be conducted by online means, unless otherwise stipulated.

The Assignment Authority shall issue notifications to the individuals designated as contacts, using the e-mail address provided. For this purpose, the domain name beneficiaries and the Registrars must provide the Assignment Authority with valid and correct contract information, and keep it updated.

The Assignment Authority may request that the necessary documentation be submitted to verify fulfilment of the requirements for assignment and managing domain names, through online procedures or any other appropriate means. Notwithstanding the above, the Assignment Authority may verify compliance with the applicable regulations by its own means.

#### **Four. Publicity**

The Assignment Authority shall maintain an internet site on which it shall publish, at least, up-to-date information on:

- a) The applicable legislation regarding the ".es" internet domain name assignment regulations,
- b) The procedures established to assign and manage ".es" domain names.
- c) The amount to be paid for ".es" domain name assignment or renewal and the procedure established to make the payment.
- d) The agreements and resolutions issued by the Assignment Authority, in accordance with section One of this Instruction, and
- e) Any other information of interest to the ".es" domain name users.

#### **Five. Forms**

The Assignment Authority shall publish forms, which may be updated at any time, to assist the interested parties in fulfilling the requirements in each case for the assignment and management of an ".es" domain name.

#### **Six. Time priority, identification and powers of attorney**

The Assignment Authority shall, in all procedures related to ".es" domain names, apply the principle of time priority.

The Assignment Authority will confirm receipt of the applications with a reference number, which will determine the time priority of the application for processing purposes.

Interested parties must identify themselves fully on the applications submitted to the Register and, in the event that they act through a representative, they must have granted sufficient power of attorney. For these purposes, in the modification procedures that require verification in advance, and in transfers and cancellations, the Assignment Authority may request that the representative provide the corresponding power of attorney. If the required documentation is not provided, the Assignment Authority will not accept the application, deeming it as clearly unfounded.

## **Seven. Conditions for exercising the right to use an ".es" domain name**

The right to use ".es" domain names is subject to compliance with the regulations set forth under section Eleven of the Domain Names Plan, the obligations contained in section Thirteen of the Domain Names Plan and fulfilment of all other applicable conditions.

## **Eight. Appeals**

The resolutions issued by the General Manager of Red.es in relation to the ".es" domain names may be appealed directly before the contentious-administrative courts.

When the Assignment Authority becomes aware that legal proceedings have been initiated contesting a resolution by the Assignment Authority issued in relation to an ".es" domain name, Red.es shall notify the domain name owner of the existence of said proceedings so that he or she may take the appropriate actions to defend his or her right. Under no circumstances shall the Assignment Authority be obliged to compensate the owner if he or she loses the right to use the ".es" domain name as a result of a judicial decision.

## **Nine. Proof of payment of the fee**

Domain name assignment or renewal requires that the Assignment Authority holds certifiable proof that payment of the corresponding fee for ".es" domain name assignment or renewal has been made in advance.

Notwithstanding that established in the section above, the Assignment Authority may, exceptionally and upon request by the interested party, assign and renew the ".es" domain names when:

- The ".es" domain name beneficiary, or the Registrar, when applicable, provides a certified copy of the corresponding assignment or renewal fee payment receipt, in accordance with the established procedure, or
- The Assignment Authority can confirm by its own means that the ".es" domain name assignment or renewal fee has been paid.



## CHAPTER II. ".ES" DOMAIN NAME ASSIGNMENT PROCEDURE

### Ten. Eligibility

Individuals and incorporated or non-incorporated entities may apply for second level domain names when they have interests in or ties with Spain.

In this case, the Assignment Authority shall consider an applicant to have interests in or ties with Spain when, among other circumstances:

- The ".es" domain name beneficiary is an individual or incorporated or non-incorporated entity established in Spain, or
- The ".es" domain name beneficiary is an individual or incorporated or non-incorporated entity whose services are aimed fully or partially at the Spanish market, or
- The ".es" domain name beneficiary is an individual or incorporated or non-incorporated entity wishing to offer information, services and/or products that are linked culturally, historically or socially to Spain.

### Eleven. Time priority criterion

The ".es" domain names are assigned to the first applicant who has a right to it by Resolution of the General Manager of Red.es based on an application presentation time criterion. In no case may applications be submitted for ".es" domain names that have been assigned previously.

Second level ".es" domain names are assigned without prior verification, except as regards the syntax rules stipulated in point 1, section eleven of the Domain Names Plan, the list of prohibited terms in point 2, section eleven of the Domain Names Plan and the specific limitations and the lists of prohibited or reserved second level domain names indicated in section seven of the Domain Names Plan.

For the assignment of third level ".edu.es" and ".gob.es" domain names, verification will be made prior to their assignment to ensure fulfilment of the requirements established in article Thirteen of this Instruction and the syntax rules stipulated in point 1, section eleven of the Domain Names Plan.



Third level ".com.es", ".nom.es" and ".org.es" domain names will be assigned without prior verification, except as relates to the syntax rules stipulated in point 1, section eleven of the Domain Names Plan and the list of prohibited terms provided in point 2, section eleven of the Domain Names Plan.

Furthermore, for the assignment of second level ".es" domain names, the Assignment Authority will verify that the ".es" domain name is not included in the lists of reserved or prohibited terms established in Provision Seven of the Domain Names Plan and in section 2, Provision eleven of the Domain Names Plan.

## **Twelve. Application submission**

The ".es" domain name assignment application may be submitted through a duly accredited Registrar or directly by the interested party before the Assignment Authority.

Submitting the assignment application for a domain name, either directly or through a Registrar, entails acceptance by the beneficiary of all corresponding obligations.

Notwithstanding paragraph two, section three of this Instruction, submitting a domain name application through a Registrar presupposes prior authorisation by the beneficiary in favour of the Registrar, in writing or by online means, for the latter to carry out all formalities required for the requested domain name assignment and management, as well as for the payment, on behalf of the interested party, of the corresponding fees.

Unless otherwise established by the Assignment Authority, all communications related to the domain names applied for or managed by a Registrar, including those related to payments, shall be sent to the corresponding Registrar.

## **Thirteen. ".edu.es" and "gob.es" Domain Names**

Applications for ".edu.es" and ".gob.es" domain names and for domain names on any of the lists of reserved terms will be verified prior to assignment to ensure that they meet the assignment requirements established in the Domain Names Plan and in this Instruction.

Only officially recognised institutions or groups, whether an incorporated or non-incorporated entity, that carry out duties or activities related to education or research in Spain, respectively, may apply for assignment of ".edu.es" domain names. Only the Spanish Public Administrations, Public entities that report to them,

their dependent organisations, bodies or units may apply for assignment of ".gov.es" domain names.

These applications must be accompanied by all of the documentation required to verify compliance with the applicable provisions. When the Assignment Authority considers that an application contains rectifiable errors or does not include all of the necessary documentation, the applicant will be notified to rectify the errors or submit the required documentation within ten calendar days.

Once it has been verified that the application meets all of the requirements, the Assignment Authority will assign the domain name to the applicant. Otherwise, the application will be rejected by Resolution from the General Manager.

After the period of ten calendar days, if the errors have not been rectified or the required documentation has not been submitted, the Assignment Authority will consider that the interested party has abandoned the application, notifying the applicant of this by Resolution from the General Manager of Red.es.

#### **Fourteen. Assignment validity period**

The assignment of an ".es" domain name is valid for one calendar year. The domain name may be renewed in accordance with that established under chapter Three.

### **CHAPTER III. ".ES" DOMAIN NAME RENEWAL PROCEDURE**

#### **Fifteen. Renewal**

The renewal of an ".es" domain name may be requested during the fifteen calendar days prior to and the fifteen calendar days following completion of one calendar year since the assignment or, as appropriate, the last renewal of the ".es" domain name. This request will determine the amount of the corresponding renewal fee.

The owner will have an additional period of fifteen calendar days from the end of the period indicated in the paragraph above for renewal in which to make the payment, during which time the domain name will not be visible on the internet. At the end of this period, if the Assignment Authority does not have certified proof of payment of the corresponding renewal fee, the ".es" domain name will be made available for assignment.

## **Sixteen. Renewal validity period**

The renewal of an ".es" domain name is valid for one calendar year.

## **CHAPTER IV. OTHER OPERATIONS ASSOCIATED WITH REGISTERING ".ES" DOMAIN NAMES**

### **Seventeen. Termination**

Domain name beneficiaries who do not wish continue to be owners of the same may request its termination.

The procedure is started by submitting the termination request online. In accordance with Section Six of this Instruction, the Assignment Authority will confirm receipt of the ".es" domain name termination request.

The Assignment Authority will process the request and, after carry out the appropriate verifications, complete the termination by Resolution from the General Manager of Red.es.

### **Eighteen. Data modification**

The beneficiaries of ".es" domain names may request the modification of their registration data.

The procedure is started by submitting the data modification request online. In accordance with Section Six of this Instruction, the Assignment Authority will confirm receipt of the ".es" domain name modification request.

The Assignment Authority will process the request and, after carrying out the appropriate verifications, make the data modifications. The Assignment Authority shall establish the cases in which the data modification requested must be verified prior to registration.

## CHAPTER V. ".ES" DOMAIN NAME CANCELLATION PROCEDURE

### **Nineteen. Cancellation procedure**

Failure to comply with the ".es" domain name assignment and use conditions established in Section Seven of this Instruction will lead to its cancellation by the Assignment Authority, in accordance with the procedure established in this Chapter.

### **Twenty. Motives for cancellation**

The Assignment Authority may cancel the ".es" domain names, on its own initiative or by request from an interested party, in the following cases:

- a) When the ".es" domain names are requested by individuals or incorporated or non-incorporated entities who do not have interests in or ties with Spain, in accordance with section Ten of this Instruction.
- b) When the beneficiaries of the ".es" domain names consisting exclusively of surnames or a combination of given names and surnames are not related directly to the same.
- c) When false or incorrect data are found in the Register.
- d) Due to non-compliance with the rules and technical conditions established by the Assignment Authority to ensure the proper functioning of the ".es" Domain Names System.
- e) When the ".es" domain names assigned do not comply with the syntax rules regulated in section One of Provision Eleven of the Domain Names Plan or any of the other assignment conditions established in the same for that purpose.

### **Twenty-one. Temporary suspension**

When the ".es" domain names assigned include terms or expressions that are against the Law, morals or public order, and those whose literal meaning may infringe upon individual name rights or industrial property rights, contravene the right to honour, privacy or one's good name, or when it could lead to the commission of a crime or misdemeanour as established in the Criminal Code, the Assignment Authority shall suspend or cancel said assignments in accordance with the corresponding legal injunction.

Prior to executing the suspension or cancellation, the Assignment Authority shall grant the interested party a period of ten calendar days to make allegations.

## **Twenty-two. Procedure initiation**

The cancellation procedure may be initiated upon the initiative of the Assignment Authority or by request from an interested party.

1) If the procedure is initiated by request from an interested party, said party must submit a written document to Red.es in which, having duly identified him or herself and certified a legitimate interest in the claim filed, he or she must invoke, in a duly motivated manner, the existence of non-compliance with the assignment conditions that warrants cancellation of the domain name, in the terms established in section Twenty of this Instruction. If the interested party acts through a representative, the power of attorney must also be provided.

The Assignment Authority will not accept clearly unfounded requests. Clearly unfounded requests include those in which the interested party has not duly identified him or herself or does not certify, when appropriate, power of attorney. Likewise, requests will be rejected when they do not certify a legitimate interest in the claim filed or they do not provide a motivated explanation of the non-compliance with the assignment conditions that warrants the cancellation of a domain name.

Once the request has been received, the Assignment Authority will require the interested party to rectify the rectifiable defects within a maximum of ten calendar days. If the request is free of errors or all errors have been rectified within the stipulated period of time, the Assignment Authority will send the request to the beneficiary of the domain name that has given rise to the controversy, granting said beneficiary ten calendar days to make allegations.

Upon review of the allegations, the Assignment Authority shall resolve whether to maintain or cancel the assignment of the domain name affected by the procedure.

If the domain name is made available for reassignment, the Assignment Authority, in accordance with paragraph 5, section Thirteen of the National Plan, will notify the interested party who requested the cancellation, giving said party a maximum of ten days from the date of the notification to apply for said domain name under preferential conditions.

2) If the procedure is initiated upon the initiative of the Assignment Authority, it will notify the domain name beneficiary, under the terms indicated in section Three of this Instruction, of the non-compliance with the assignment conditions, granting him or her ten calendar days to make allegations.

Upon review of the allegations, the Assignment Authority will decide whether to maintain or cancel the assignment of the domain name affected by the controversy.

### **Twenty-two A. ".es" Domain Name Reassignment Procedure**

The Assignment Authority will reassign domain names that have been rejected due to an error by the Register to their legitimate owners.

If the domain name affected by the error was assigned after the fact to a third party, the Assignment Authority shall initiate, upon its own initiative or by request from the interested party, the corresponding reassignment procedure for said domain name in favour of the previous owner.

The Assignment Authority shall notify the third party, in accordance with the terms indicated in section Three of this Instruction, of the existence of the error in the Register that deprived a previous owner of the domain name, granting him or her 24 hours to make allegations.

Simultaneously with the initiation of the procedure, the Assignment Authority will reassign the domain name to the previous owner as a precautionary measure.

Once the allegations have been received, the Assignment Authority will resolve whether to reassign the domain name to the previous domain name owner whose registration application was received earliest, or confirm the assignment made to the third party, in which case the precautionary reassignment will be cancelled.

### **Twenty-three. Concurrence of a Cancellation Procedure with a Conflict Resolution Procedure**

No cancellation procedure may be initiated against an ".es" domain name in accordance with this Instruction when said ".es" domain name is subject to an ownership conflict pursuant to the regulations of the extrajudicial conflict resolution procedure regulated in the Extrajudicial Conflict Resolution Procedure Regulations for Domain Names Under the Country Code Corresponding to Spain (".es"), approved by Instruction from the General Manager of Red.es on 7 November 2005.

In the event of cancellation, the Assignment Authority, having examined the concurrent circumstances, may determine that the domain name may not be made available for a new assignment.



## **Twenty four. Blocking the domain name**

Once the cancellation request has been accepted for processing, when the procedure is initiated by request of the interested party, or at the same time as the initial notification is sent to the interested party, when it is initiated upon the Assignment Authority's own initiative, the Assignment Authority shall immediately block the domain name affected by the procedure until such time as the procedure has been completed.

Blocking the domain name consists in disallowing the following:

- 1) Transfer of ownership of the domain name to a third party.
- 2) Termination of the domain name.
- 3) Modification of the registration data.

Under no circumstances does the block prevent the owner from renewing the domain name or modifying the renewal modality.

Once the procedure is completed, the domain name block will be lifted.

## **CHAPTER VI. GENERAL ".ES" DOMAIN NAME TRANSFER PROCEDURE**

### **Twenty-five. ".es" Domain Name Transfer**

In accordance with Section Twelve of the Domain Names Plan, the right to use a domain name may be transferred voluntarily, as long as the recipient complies with the requirements in the Plan and in this Instruction. All voluntary transfers must be approved by the former domain name owner. Said approval shall be notified to the Assignment Authority prior to the corresponding modification of the domain name registration data, following the procedure established for this purpose.

In cases of universal "inter vivos" or "mortis causa" succession and in those related to transferring the trademark or commercial name with which the domain name is associated, the successor or transferee may continue to use said name, as long as he or she complies with the domain name assignment rules outlined in this Plan and requests that the Assignment Authority modify the domain name registration data.



## **Twenty-six. ".es" Domain Name Transfer Application**

The transferor and the recipient must send the Assignment Authority the ".es" domain name transfer application and the transfer conditions acceptance application, respectively. The Assignment Authority will verify both applications, transferring, when appropriate, ownership of the ".es" domain name to the new beneficiary by Resolution from the General Manager of Red.es.

## **CHAPTER VII. APPLICATION OF THE PERSONAL DATA PROTECTION SCHEME**

### **Twenty-seven. Personal Data Processing**

The Assignment Authority shall process the personal data necessary to request and manage the ".es" domain names in accordance with Organic Law 15/1999, dated 13 December: the Personal Data Protection Action (hereinafter, "LOPDP"), and in its executive regulations.

### **Twenty-eight. Personal Data Publication and Access**

The personal data subject to processing by the Assignment Authority shall be those strictly necessary to assign the ".es" domain names and to carry out all other operations deriving from their management and registration.

The Assignment Authority shall publish only the personal data that are strictly necessary for proper management of the Register.

Access to the personal data published in accordance with the paragraph above shall be subject to acceptance of the conditions established by the Assignment Authority for said purpose on the Register web page.

The data relating to ".es" domain name beneficiaries may be subject to processing by Red.es in the performance of its duties of promoting and developing the Information Society and for historical, statistical or research purposes, and they may be transferred, for these same purposes, to other Administrations in the cases established under sections one and two, article 21 of the LOPDP.

## **Twenty-nine. Access and Rectification Rights**

Applicants and beneficiaries of ".es" domain names whose personal data are processed by the Assignment Authority may exercise their rights to access and rectification, using the channels indicated in the LOPDP and in its executive regulations.

### **Additional Provision One. Modification of the Reserved ".es" Domain Names Lists**

Only those place names corresponding to the name of a country or territory listed in ISO 3166-1, in their official versions and in their corresponding translation into Spanish, shall be deemed as included by the Resolution of the General Manager of Red.es, dated 28 June 2006, in the list of reserved terms consisting of place names that coincide with the official designation of regional Public Administrations, approved by the Instruction of the Chairman of Red.es dated 12 September 2005.

### **Temporary Provision One. Domain Names Assigned Prior to the Entry into Effect of the Plan**

Domain names assigned before the National Plan came into effect shall remain valid.

### **Sole Repealing Provision. Repeal of Previously Applicable Instructions**

The Instruction from the Chairman of Red.es dated 21 October 2004 and the Instruction from the General Manager dated 12 December 2005 are hereby repealed.