

POLICY ADVISORY BOARD REPORT
Westbury Mayfair Hotel
12 July 2006
MEETING 45

Those present:

Tom Adams	Appointed Member - Cabinet Office (e-Government Unit)
Alex Bligh	Appointed Member - Nominet Board
James Conaghan	Elected Member
Andy Clarey	Appointed Member - DTI
Su Daley	Appointed Member - CBI
Gordon Dick	Appointed Member - Nominet Board
Earl of Errol	Appointed Member - All Parliamentary Internet Group
Clive Feather	Elected Member
Subhi Hashwa	Elected Member
Jason Johns	Elected Member
Sebastien Lahtinen	Elected Member
Richard Martin	Elected Member
Hazel Pegg	Elected Member
Eric Ramage	Appointed Member - ITMA (Chair)

From Nominet by invitation of the PAB:

Lesley Cowley, Chief Executive
Jay Daley, Director of IT
Leanne Kenny, Policy Executive and PAB Secretariat

1. Welcome and apologies

Apologies were received from Dave Evans, Alex Kells, Francesca Woodhouse and Jonathan Zittrain.

2. Approval of the May PAB Meeting report

James Conaghan stated he had an issue with the Policy Development Process on page 4 of the meeting report, as he did not agree that every consultation should come from Nominet. Lesley Cowley explained that it was difficult for the PAB group to have the resources to draft consultations and this was an attempt to create a clear consultation style (it also followed Cabinet Office best practice). James Conaghan stated that he had received feedback on this issue by email, which was why he was now raising the point.

Eric Ramage suggested changing the wording to "some agreement" but it was pointed out that this does not accurately reflect what was agreed at the meeting.

There was a discussion regarding whether if something is agreed it can then be discussed again at a later date and it was clarified that if necessary this issue could be put back into the governance discussion however the minutes reflected what was agreed at the meeting.

Lesley Cowley clarified that the PAB should represent stakeholders' views.

The May meeting report was approved.

3. Matters Arising

No comments received.

4. Board response to PAB resolutions - meeting 44

No comments received.

5. Status report on PAB issues and actions

James Conaghan noted that the Lock State working group was back on the agenda.

6. Report back from recent Nominet lunches - Alex Kells, Hazel Pegg

Hazel Pegg gave feedback on the lunch in Bournemouth and noted a key comment members had about the consultations was that they were too long and had too many questions therefore they didn't bother to respond. They would be more likely to respond to a 'mini consultation' which simply required a yes, no, don't know answer.

A discussion followed regarding how communication could be improved and it was pointed out that some people do not read emails from Nominet because they are filtered as spam and would only receive them if they are addressed to them personally. Lesley Cowley agreed that communication was a challenge with such a broad membership and that recent consultations had been raised by staff whilst on the phone.

A brief point was made that generally there was support for Nominet to do ENUM with the exception of one person at the lunch.

As Alex Kells was not able to attend the meeting Lesley Cowley gave her comments from the London lunch. Feedback regarding the recent consultations was that members did not respond because of time constraints and they did not feel the content was core to their business. It was agreed that the lack of responses was worrying considering the number of domain names registered. Lesley Cowley stated that it was more difficult to make policy and decisions when only a small number responses are received as these often represent extremes.

Other issues raised were Tag Holders refusing to allow registrants to move away to other providers, some people in favour of the DRS highlighted that the process was quicker and cheaper than the UDRP, some felt that Tag Holder training should be compulsory and dropcatching - is it illegal and should Nominet be doing something about it?

Lesley Cowley pointed out that dropcatching was in the PAB work programme therefore Eric Ramage moved to the next item on the agenda.

7. Chair's vision for the coming year - Eric Ramage

Eric Ramage identified three points of focus for his coming year as chair. He wants to seek more feedback from appointed members to the PAB into the development of policy, more efficient use of the debating time of the PAB and continued feedback from the Board and Executive on issues which have been addressed in the past. Eric stated that he sees the PAB as having two roles. It has acted as a bridge between Nominet's Board and Nominet's members and has channelled stakeholder feedback into the development of policy. Eric spoke of

the huge amount of work on the PAB work programme and how it is important to utilise the time for debate. He would like to see greater use of the sub committee model and he was pleased to see two new items on the agenda at this meeting, namely Matters Arising and Status Report on PAB actions which are to become routine items. Finally Eric thanked the group for his appointment and stated that he hoped for their support.

At the end of Eric's speech James Conaghan welcomed him as the new chair as did the rest of the group.

Alex Bligh thanked Eric for his speech and reiterated that the PAB work programme was substantial and urged the chair to be strict in ensuring the timetable is kept to.

8. .net.uk conclusion and recommendations - WG chair

Sebastien Lahtinen gave a brief overview of the .net.uk working group and explained that it had been running for a long time. The consultation produced about 20 responses and following debate in the last month, he now believes the group is unlikely to come to a consensus on any possible changes to the rules.

Sebastien Lahtinen therefore proposed that the working group be closed. A debate followed as to what to do next. Lesley Cowley pointed out that this was the right resolution but that the issue would be likely to come up again as it is regularly mentioned by Nominet Tag Holders. She suggested adding a question to the next Tag Holder survey to find out if this was still an issue. Other suggestions included revisiting the issue if the situation changed or postponing any future discussion for a certain period of time which James Conaghan felt was too restrictive.

It was pointed out that there was no room in the current work programme to discuss the issue again this year. Alex Bligh stated that stakeholders are interested in more than this one issue however some people have indicated that they would like the rules changed and we should give them an expectation of when the issue will be revisited. Lesley Cowley did not feel that two years' time was responsive enough and suggested moving the issue to next year's work programme. Sue Daley pointed out that it would be useful to see where the market is in a year's time.

Resolution

The PAB resolved to accept the conclusions of the .net.uk working group chair that the group is unable to come to a consensus on any proposed changes to the .net.uk SLD. The PAB further resolved that the rules should remain unchanged and that the working group should be closed.

9. Governance review PAB issues

Lesley Cowley introduced this paper and asked for agreement on the list of items which had been put back for discussion at the September meeting. Following discussion these items were agreed.

PAB WORK PROGRAMME

James Conaghan was thanked for his contribution to the PAB work programme. A request was made by Hazel Pegg that the DRS review be brought forward to the November meeting.

REGISTER OF INTERESTS

After a brief discussion regarding what would and would not need to be declared by PAB members it was agreed that the Register of Interests set out at Annex B would be adopted.

CODE OF CONDUCT

Hazel Pegg offered to chair a sub committee on the PAB code of conduct and this was accepted by the group. Sue Daley and Andy Clarey also indicated they would be willing to contribute. Andy stated that he would be moving on from the DTI and therefore another representative would be attending future meetings, however providing the meeting was held before the end of August he would be able to participate.

PAYMENT FOR PAB MEMBERS

Only two responses have been received by Nominet on the issue of payment, one which was strongly in favour, one which was strongly against. A discussion followed regarding the mechanics of how this would work. Eric Ramage reminded members that this issue was on the work programme for discussion at the September meeting and requested all members to send their view to Lesley by the 15th of August.

PAB CHAIR

Some concern was expressed regarding the use of proxies in the election of the PAB chair and whether this would result in members who had not attended meetings for some time being lobbied to vote for someone they didn't really know. Lesley Cowley confirmed that non attendance was an issue that would need to be addressed separately and that this was directed at those people who could not attend the meeting in which the PAB chair was elected. On that basis, the resolution was adopted.

PAB TITLE

Lesley Cowley explained that confusion existed primarily because of the use of the word 'board' and that some people were not clear what the responsibilities of the PAB were. Subhi Hashwa confirmed that on election to the PAB someone he knew thought he had been appointed to the board of directors. Lesley did however confirm that if the PAB wanted to continue to be called the Policy Advisory Board this would be fine. A lengthy discussion followed. Hazel Pegg suggested that the name could become, simply, "Nominet Advisory Group". Alex Bligh felt it was important to keep the 'policy' element in the title as this indicated the responsibility of the PAB to advise on policy. The role of the PAB currently is to advise on .uk. If the memorandum and articles are changed and Nominet widens its scope will the PAB be expected to advise on these other issues? Tom Adams as an appointed member indicated that he was a member to advise on .uk policy and if that remit was expanded he may have to remove himself from the discussion. Alex Bligh confirmed that if Nominet's scope is widened it may be necessary to revisit the definition of policy (which will be discussed at September's meeting). No agreement could be reached as to whether the PAB title should be changed and if so what to. Eric Ramage stated that we should agree to disagree and move on to the next item.

Resolution

The PAB resolved to adopt the work programme set out at Annex A of the "Governance Review PAB Issues" paper, but requested the executive to bring forward the Dispute Resolution Service review consultation in order that the PAB might consider its response to the consultation at the November meeting if possible.

The PAB resolved to adopt the Register of Interests set out at Annex B of the "Governance Review PAB Issues" paper, and resolved that the Register should be maintained by the Company Secretary, reviewed as part of the annual audit, and a report included in the Annual Report.

The PAB resolved to adopt the proposals set out in the "Governance Review PAB Issues" paper in respect of the PAB Chair.

10. Internationalised Domain Names - Executive's proposal

Jay Daley introduced the paper and explained that the IDN working group was set up through the PAB and the Executive were not particularly involved. Subsequently the Executive had issues with the working group paper which required resolving. Jay suggested a sub committee be formed and a joint proposal be drafted for presentation at the September meeting. Clive Feather, Tom Adams, Subhi Hashwa, Sebastien Lahtinen, Eric Ramage, Gordon Dick and Alex Kells (who had indicated this to Lesley Cowley prior to the meeting) have all volunteered to be on the committee and Jason Johns volunteered to chair. It was pointed out that the creation of a sub committee may pose a problem for the people on the working group list and it was confirmed that the working group had not been wound up as yet. It was suggested that a sub committee would be more effective as a lot more gets done in a physical meeting and Eric Ramage agreed that he was more inclined to favour a sub committee and agreed Jason Johns should chair.

11. Internet Governance Forum - verbal update and discussion on PAB's role

Lesley Cowley gave an update on Nominet's work on the Internet Governance Forum. The UK is one of only two countries worldwide attempting to gain feedback from their stakeholder communities. Nominet held a Parliamentary event on the 4th of July which, significantly was attended by the current Minister, the Rt Hon Margaret Hodge MP and the previous Minister Alun Michael MP. Nominet will be working with the Oxford Internet Institute (OII) on an event to be held in September and hopefully with the CBI on an event to be held late October. The draft programme for the meeting in Athens at the end of October has an overall theme of capacity building and focuses on openness, diversity, security and access. Nominet has a senior member of staff (Emily Taylor) on the Advisory Group and it is important to note that Emily Taylor is the only UK based representative. PAB members were encouraged to volunteer as panel speakers and encouraged to make a statement supporting Nominet's involvement.

Resolution

The PAB resolved to support the executive's position on the Internet Governance Forum and to encourage .uk stakeholders to involve themselves in the process.

12. Matters arising from nom-steer and pab-suggest

Gordon Dick highlighted a complaint regarding the renewals process had been raised on nom-steer and while it initially looked like something straightforward for the Executive to deal with when compared to the existing policy the Executive have no means of reacting to individual organisations reasonable requirements. Gordon did not believe this had been the PABs intention when setting policy on this and asked that the Executive come back at a later date with a proposal to amend the renewals policy to allow the Executive the flexibility needed to respond to reasonable stakeholders needs.

NOMINET'S MISSION STATEMENT - IS IT POLICY? - JAMES CONAGHAN

James Conaghan introduced this paper explaining that he felt the mission statement is an integral part of policy and highlighted in particular that the words 'wider stakeholder communities' had been removed. Lesley Cowley explained that Nominet did not have a mission statement for seven years and its introduction was a way of communicating to staff. A discussion followed in which the various changes were highlighted. James Conaghan questioned whether it should be aimed at staff at all, whereas Lesley Cowley stated she felt it should be aimed at both staff and our customers.

Alex Bligh pointed out that the changes in the mission statement were noticed at a time when trust in the Board was low and possibly people had read into it things which were not there. The mission statement is a tool to motivate staff and explain to people what we do, it is not there to determine policy. The impetus behind the change was to make it shorter. Tom Adams confirmed that he felt it was an 'Americanism' and when he asked colleagues for their opinion they replied that a mission statement was a branding exercise and a summary of the principles of the company. It was generally agreed that in future the PAB would like some input into the mission statement and the matter could be discussed at the next meeting, when it was hoped to discuss policy issues.

QUESTIONS ARISING FROM NOM-STEER AND OTHER FORA - JAMES CONAGHAN

TRANSFER PROCESS

James raised the issue regarding the security of the transfer process but also stated that since writing the paper he had carried out a transfer and confirmed he thought the process was strict and therefore happy to take this item off the agenda.

A discussion followed as to why the transfer process is still paper based and whether it can be done for free. Jay Daley explained the technical aspects of why an online system was not yet available. It was also pointed out that pricing is done on a cost recovery basis, which is reviewed every six months. This is not a new policy.

LOCK STATE

James suggested putting together a sub committee on this issue. Lesley Cowley explained the issue was much broader than just a lock state as it is seen as a subset of what people can do with their domain names. It also links with the online systems and industry standards discussion.

WARNING PERIOD WHEN OPTING THE REGISTRANT BACK IN

James Conaghan requested a five day notice period be given to registrants before opting them in to the WHOIS. It was explained that in some cases people could evade having their contact details published indefinitely by either continually opting themselves back out again via their tag holder, or providing inaccurate contact details. After discussion it was agreed that these were two different issues and the latter would be referred back to the Executive.

Clive Feather suggested that there should be a general policy that Nominet will not make any pro-active changes to a register entry without making a good-faith attempt to discuss them with the registrant first. (The term "pro-active" meant changes initiated by Nominet themselves, such as opting someone back in, and not changes requested by the registrant or tag-holder or done through the Automaton). Lesley confirmed that this was already operational practice. 1

13. Urgent Business

There was no urgent business. Eric Ramage thanked Andy Clarey for all his help during his time on the PAB.

14. Date of next meeting

The next meeting will be held on Wednesday 13 September 2006

1 Since the PAB meeting there has been further clarification regarding the opting-in of registrants to the WHOIS. Nominet do not currently attempt to discuss changing the opt-out with the registrant prior to making the change. Although most recent practice does involve advance warning to the registrant where that registrant can be clearly identified as an individual. On this basis it is proposed to raise this matter again at the PAB's September meeting. The executive will provide a paper outlining current practice and relevant statistics.