

POLICY ADVISORY BOARD REPORT  
Westbury Mayfair Hotel  
13 September 2006  
MEETING 46

Those present:

Tom Adams	Appointed Member - Cabinet Office (e-Government Unit)
Alex Bligh	Appointed Member - Nominet Board
James Conaghan	Elected Member
Sue Daley	Appointed Member - CBI
Gordon Dick	Appointed Member - Nominet Board
Dave Evans	Appointed Member - Information Commissioners Office
Clive Feather	Elected Member
Subhi Hashwa	Elected Member
Jason Johns	Elected Member
Alex Kells	Elected Member
Sebastien Lahtinen	Elected Member
Richard Martin	Elected Member
Hazel Pegg	Elected Member
Eric Ramage	Appointed Member - ITMA (Chair)
Jonathan Zittrain	Appointed Member - Oxford Internet Institute

From Nominet by invitation of the PAB:

Eleanor Bradley, Director of Operations (for agenda items 8 and 9 only)  
Lesley Cowley, Chief Executive  
Jay Daley, Director of IT (for agenda items 5, 6 and 7 only)  
Leanne Kenny, Policy Executive and PAB Secretariat

Sabine Dolderer, Guest Speaker attended for agenda item 5

1. Welcome and apologies

Apologies were received from Lord Erroll, Geoff Smith, Emily Taylor and Francesca Woodhouse. The PAB welcomed Sabine Dolderer, Managing Director of DENIC who was attending to give a presentation on Internationalised Domain Names and also Professor Jonathan Zittrain who was attending his first PAB meeting.

2. Approval of the July PAB Meeting report

The July meeting report was approved.

3. Matters Arising

It was confirmed that the DRS review will be brought forward to the November meeting.

#### 4. Board response to PAB resolutions - meeting 45

The Board's request in item one that 'the PAB prepare a brief statement to address the concerns of those members who requested a change in the .net.uk rules, to communicate the reasoning for the PAB's decision to recommend no change' was noted. Sebastien Lahtinen offered to prepare a statement, which will be circulated on list to be agreed at the next meeting.

#### 5. Internationalised Domain Names: Guest Speaker

Sabine Dolderer, Managing Director of the German registry DENIC attended to give a presentation on their introduction of Internationalised Domain Names. (The presentation will be published separately)

#### 6. Internationalised Domain Names: report from Sub-committee meeting

Jason Johns introduced the IDN paper. Hazel Pegg stated that she could not agree to the paper in its current form because she felt it was discriminatory against Welsh speakers. A lengthy debate took place in which members of the sub-committee put forward their reasoning behind the recommendations in the paper and others said why they had opposed those recommendations in committee. The main objection was in relation to the proposal restricting registration of domains that differed only in diacriticals. Some felt this went against the first come first served policy and could result in some domains being seen to be given greater rights than other domains and would mean not all domain names were treated equally at the time of registration. One member stated that having one domain name does not and should not give rights to other domains. Some sub-committee members reminded the PAB that the single most common response from the IDN consultation was that people did not want to have to make lots of defensive registrations to protect the domain names they already had registered. It was also pointed out that the paper did not prevent domain names with welsh diacriticals being registered but it did place harsh restrictions on the use of them. Those opposed to the proposal continued to express strong opposition.

Gordon Dick commented that the proposed IDN solution was trying to address an undefined linguistic problem by means of a clever and imaginative technical solution which, unfortunately, failed to address linguistic needs.

A proposal was made to refer the matter back to the sub-committee but it was felt that this would probably not be useful. The issue could be revisited on the next agenda, but it was thought unlikely that members' views on the points of disagreement would have changed. It was requested that this issue not be put out to consultation again. In view of the time already spent on the subject the Chair said that it was clear consensus would not be reached that day, that he was closing the discussion, and would consider how best to re-address the issue.

## 7. WHOIS for Tags

Jay Daley presented the paper and clarified that the WHOIS for Tags would only display information the tag holder has put in themselves and therefore wishes to be made public. Sebastien Lahtinen expressed concern about providing linked Tag information on WHOIS. He explained that WHOIS data was frequently provided to end users through third party websites and presenting two tags as linked could result in users contacting tag holders who they have no business relationship with, but who may be considered as linked from a Nominet governance point of view due to ownership or control. He fully supported publishing this information, but suggested this would be better achieved for example through the Nominet website as with voting rights. James Conaghan agreed with this. Lesley Cowley stated that Nominet was happy to accept points on implementation of the policy.

### Resolution

The PAB resolved to recommend to the Board the proposals in Section 4 of the paper "WHOIS for Tags - final implementation" be implemented, subject to a request that the proposal to publish linked tag information be removed from WHOIS but published in another manner.

## 8. Industry Standards - Feedback from Consultation and recommendations

Eleanor Bradley introduced this paper and stated that any feedback would be welcomed. Clive Feather highlighted a number of drafting issues, which Eleanor Bradley agreed to address. Some members were not happy with the PAB being named as a potential party to consider an appeal and it was agreed that the PAB should not act in this capacity. It was clarified that if a registrar already adheres to an Ofcom approved Alternative Dispute Resolution procedure that overlaps with the Good Practice Terms, this would meet their obligations.

It was accepted that it would be beneficial to provide more information regarding the types of training courses registrars would be expected to undertake in order to adhere to the Good Practice Terms, particularly as these together with the Standard Terms and Conditions, are contractually binding.

### Resolution

The PAB resolved to recommend to the Board the adoption of (i) the recommendations within section 7.2 of the paper "Raising Industry Standards Consultation" subject to the removal of the Policy Advisory Board as a potential party to hear appeals; and (ii) subject to drafting modifications, the Standard Terms and Conditions for Registrars and the Good Practice terms incorporated therein.

## 9. Use of WHOIS opt-out

This paper was provided for information only.

#### 10. PAB Code of Conduct - report from Sub-committee meeting

Hazel Pegg introduced the paper and confirmed that the sub-committee were agreed that the PAB should have a code of conduct. Lesley Cowley raised the issue of PAB members being publicly critical of Nominet staff. It was noted that PAB members are free to criticise Nominet staff (should they feel it necessary), at whatever level, but are requested to do so through the correct channels i.e. to the line manager so that the issue can be dealt with through the existing management structure.

Tom Adams raised the point that certain elements of the PAB code of conduct may conflict with the existing code of conduct he is required to adhere to through his position with the Cabinet Office. The Chair requested people to email Hazel Pegg with any other instances they thought might cause a problem.

#### Resolution

The PAB resolved to adopt in principle the proposals in the draft PAB code of conduct paper, and requested the executive produce a draft code of conduct for consideration at the subcommittee with a view to presentation to the PAB at the November meeting.

#### 11. Governance Review PAB Issues

James Conaghan stated there were some issues he required clarification on before agreeing to the recommendations and preferred to email Lesley Cowley directly. The recommendations that the PAB introduce a code of conduct and confirm its earlier decision that all consultations will be Nominet consultations were agreed. However, some PAB members had issues with the remaining recommendations. In view of the time constraints the Chair requested everyone to send their views to Lesley Cowley, as soon as possible, particularly in relation to recompense for the PAB, and it was agreed that a final paper would be brought to the November meeting.

Alex Bligh stated if the PAB is unable to provide recommendations on governance, then the Board will need to make decisions without it.

#### Resolution

The PAB resolved to request PAB members to give their views on the issues raised in the paper "Governance Review PAB Issues", with a view to coming to a final conclusion in its November meeting.

#### 12. Phishing

This paper was deferred to the November meeting due to lack of time.

#### 13. Internet Governance Forum

Lesley Cowley gave an update on the Internet Governance Forum. The IGF will take place in Athens from 30 October to 2 November 2006. There have been 600 pre registrations so far and this is expected to rise to 1000. Emily Taylor recently attended an Advisory Group meeting and confirmed that all of the 30 workshop proposals have been accepted.

Nominet's initiative to raise awareness began with the Parliamentary Event and has also sponsored an Oxford Internet Institute event. A third initiative is an event based on the IGF, which will take place on 9 October 2006. Nitin Desai, the chair of the IGF has agreed to chair our event. Panels will debate the three IGF themes of openness, security and emerging issues and there will also be a presentation showcasing the success of UK multi-stakeholder cooperation in combating online child abuse images. Thanks were expressed to the CBI and DTI who have been very supportive.

PAB members are welcome to attend our event on 9 October.

#### 14. Matters arising from nom-steer and pab-suggest

James Conaghan raised a point regarding the WHOIS opt out policy in light of a certain registrar automatically pointing any newly registered domain names to a pay per click site. Lesley Cowley confirmed she had been made aware of this practice but felt that it was not appropriate to discuss individual registrars at PAB meetings.

#### 15. Urgent Business

There was a proposal for PAB meetings to be made longer, particularly as we were unable to get through all of the agenda items today. A number of reasons were put forward as to why this may have been the case: PAB members not being fully prepared, too much time taken presenting papers rather than discussing the issues, the way in which issues are debated. Some felt that the issues were not being debated in full, which may indicate that more time was needed. Others felt that there was a lot of hostility and tension between members which precluded genuine discussion.

The Chair suggested three potential ways of solving the problem - longer meetings, a more rigid timetable or relying on voting rather than consensus. Lesley Cowley confirmed that as a Board member it was much easier to take a view if consensus is reached. Another comment was that cutting people off or taking more votes might result in more resolutions but the overall effect would be less satisfaction.

It was agreed that the PAB would need to further consider how PAB meetings could be more successful.

#### 16. Date of next meeting

The next meeting will be held on Wednesday 8 November 2006