

POLICY ADVISORY BOARD REPORT
Westbury Mayfair Hotel
08 November 2006
MEETING 47

Those present:

Jeremy Beale	Appointed Member - CBI
Alex Bligh	Appointed Member - Nominet Board
James Conaghan	Elected Member
Gordon Dick	Appointed Member - Nominet Board
Earl of Errol	Appointed Member - All Party Internet Group
Clive Feather	Elected Member
Tracy Halsey	Appointed Member - DTI
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)
Francesca Woodhouse	Appointed Member - Federation of Small Businesses

From Nominet by invitation of the PAB:

Jay Daley, Director of IT
Leanne Kenny, Policy Executive and PAB Secretariat
Emily Taylor. Director of Legal and Policy

1. Welcome and apologies

No formal apologies were received. The Chair welcomed Tracy Halsey from the DTI in place of Geoff Smith.

2. Approval of the September PAB Meeting report

The September meeting report was approved.

3. Matters Arising

Eric Ramage confirmed that Professor Jonathan Zittrain had resigned from the PAB and thanked him for his contribution. Eric also acknowledged that recently the PAB has been unable to debate some of the issues fully or reach conclusion. It was suggested that a one off meeting for PAB members to discuss working within the PAB could be beneficial. A number of alternative suggestions were made, and no firm conclusion was reached.

Eric requested PAB members to email him directly with their thoughts.

4. Board response to PAB resolutions - meeting 46

The PAB received the paper.

5. DRS Review

Emily Taylor expressed her apologies on behalf of the Executive, as despite their best efforts they had been unable to bring a finalised paper to the PAB meeting.

Nominet requested PAB members who belong to communities who do have an interest in this issue to please bring it to the attention of their members in order that their input is gathered.

It was agreed that a sub-committee meeting would be arranged to discuss the PAB response to the consultation and that this should take place before the January meeting. It was clarified that this would not stop individual PAB members from putting in a separate response to the consultation. The consultation will open on the 17th of November and last for three months.

6. Phishing

Emily Taylor thanked the DTI for circulating a background paper on this issue and asked for initial views from PAB members to assist the Executive in formulating a proposal to put to the next meeting.

Feedback from PAB members included the following:

- * Phishing was moving up the Parliamentary group's agenda
- * Many banks view it as a very small problem, compared to credit card fraud.
- * Potentially Nominet could do something at the point of registration
- * Concern was expressed that the registry should not make judgements over what a domain name might potentially be used for
- * Any policy should be effective - it was doubtful that restricting registrations would solve the problem.
- * Nominet should contact APACS, ISPA and the Internet Crime Forum and coordinate with them
- * Nominet did need to have some kind of policy on phishing even if it was only to act as a point of information.

The Executive will consider the inputs and bring the issue back to the next meeting.

7. Internet Governance Forum

Emily Taylor thanked the PAB members who attended Nominet's event 'The Road to Athens' on the 9 October. Over 70 people attended and the webcast was downloaded in over 20 countries.

The inaugural meeting of the Internet Governance Forum took place between 30 October - 2 November 2006 in Athens. 1600 people attended and 97 countries sent government representatives. 26 country code Top Level Domain Managers were in attendance, but the representation from business was quite light. There was a huge amount of remote participation and whilst there was never any intention to resolve issues one positive outcome was the level of multi-stakeholder dialogue, and the formation of "coalitions of the willing" who had decided to work on particular issues together.

8. Feedback from London & Leeds member meetings

Emily Taylor gave an overview of some of the policy issues discussed at the recent member meetings.

9. uk.name

Emily Taylor explained that Global Name Registry had put forward a proposal to introduce two letters at the second level and a feature of this would be that it would include country codes. Despite the very short time period allowed for comments Nominet put the proposal out to the members and requested feedback, which resulted in 20 responses. Thank you to everyone who commented. The responses in the main expressed concern about potential confusion. The responses were forwarded to ICANN who have now referred the matter to the Technical Advisory Committee. Nominet will be submitting further comments to the Technical Advisory Committee when required, to voice the concerns of members.

10. Feedback from the Code of Conduct Sub-committee meeting

Hazel Pegg, Chair of the Code of Conduct sub-committee group confirmed that largely they were in agreement however there were a couple of outstanding issues which is why they were unable to bring a finalised paper to the meeting. The group will continue to work on the paper on-list and will bring a final paper to be approved to the January meeting.

11. PAB Governance Review

PAB TITLE

Some PAB members continued to express the view that they could see no need to change the name of the PAB. The Executive confirmed that it was their view that the PAB title needed to be changed for the following reasons:

* To avoid confusion. Feedback from Members suggests that confusion over the use of the word 'Board' in the PAB title exists. Some assume that members of the Policy Advisory Board sit on the Board of Nominet. Clearly this is not the case.

* In the past some people have been put off standing for the PAB because they have believed they are standing to be a director of Nominet and are put off by the increased legal liability. This also gives rise to potential legal issues, since external people may assume that PAB members have the authority to bind the company, which of course is untrue.

Sebastien Lahtinen raised the point that communication generally was a wider problem and the suggestion of a name change was detracting from the real issue which needed to be tackled. He referred to an example how Nominet's own website causes confusion between the role of the PAB and the Board which he and another PAB member had brought to Nominet's attention twice but still remained unchanged on the site. Jay Daley confirmed he would look into this and fix the problem if possible.

The Executive's recommendation in the paper was that the name be changed to Policy Advisory Council. The word 'Body' was put forward as an alternative by a PAB member. As consensus could not be reached the Chair put it to a vote. Five PAB members voted in favour of changing the PAB title to Policy Advisory Body, three PAB members voted against and two abstained. Clive Feather, Jason Johns and Sebastien Lahtinen asked for their objections to be recorded in the report.

Resolution

The PAB resolved to accept that its name be changed to the Policy Advisory Body.

The PAB recommended that the communication of the PAB's role be improved.

CODE OF CONDUCT

The Chair confirmed there was no need to discuss this in light of the earlier agenda item.

PAYMENT FOR PAB MEMBERS

The Chair confirmed that the Executive now had everyone's views on this issue. It was clarified by the Chair that if the Board decide that PAB members should be paid there would be the option to opt out. One PAB member highlighted that this may have tax implications. Alex Bligh stated that the Board had not yet considered this issue. The responses were in differing detail and would be discussed at the next Board meeting. It was confirmed that PAB members could claim expenses back from attending member meetings as representatives of the PAB.

ROLE OF THE PAB

Generally there was agreement that the "Role of the PAB" set out in Appendix 1 of the "Governance Review PAB Issues" paper be adopted, however there was discussion over the PAB being limited to discussing only .uk issues. Some felt that the PAB should not be limited to only discussing .uk issues particularly as Nominet's scope may widen in the future. Others raised the point that some appointed members sat on the PAB only to give policy advice on .uk issues and would not be able to contribute to wider discussion. It was also highlighted that the PAB may not be the most relevant group to give policy advice on issues which are outside the .uk remit, and there may be other stakeholders who are more relevant.

One PAB member raised the question whether any member would object to being reviewed by other PAB members. Discussion followed where it was confirmed that the PAB rules (specifically 4.17) already allow for an element of this and some stated they would prefer to be reviewed by PAB members.

Resolution

The PAB resolved to recommend adoption of the "Role of the PAB" as set out in Appendix 1 of the paper "Governance Review PAB Issues" subject to its review if and when the scope or activities of Nominet widens and subject to the PAB rules.

CONSULTATIONS

There was an enquiry as to whether the PAB were getting rid of Working Groups. It was felt that whilst there is no requirement for the PAB to form them it is good to have the option.

12. IDN - Current PAB member views

Eric Ramage presented the views of current PAB Members, as he understood them to be.

- * There was a general acceptance that there should be a confusables policy
- * If two names are deemed confusable and one has already been registered, then the other can only be registered by the same registrant (the domain name can be transferred to another registrant at a later date)

- * If three names are all "confusable" and two are already registered to different registrants (which must have involved a transfer) then either registrant can register the third
- * The key contentious issue relates to whether domain names that differ only in diacritical marks should be regarded as "confusable"
- * The majority of the sub-committee stated that domain names containing diacritical marks should belong to the confusable group
- * The most common response from the IDN consultation was that people did not want to be required to make lots of defensive registrations. Unicode has a lot of diacritical marks therefore it is easy to create domain names which look the same but differ from each other in a minor way. It is felt that the result of this will be an increase in DRS cases, it will be confusing to the average user and could potentially lead to court cases against Nominet for allowing the confusion to happen. None of these are in the interests of the stakeholder
- * There will be instances where a diacritical generates a different word. Users will not be prepared for this
- * Nominet can relax the rule later if it needs to.

- * Some people will interpret the policy as being discriminatory against speakers of official UK languages other than English, which would cause adverse publicity and potentially damage Nominet's reputation
- * It may have an adverse impact on Nominet's international credibility
- * Nominet operates on a first come first served principle and disputes are handled after registration (with the exception of domain names that are illegal advertisements, eg advertise child abuse images)
- * The proposed IDN policy is a change from first come first served and this may lead to others making a strong claim for preventing registrations for other reasons e.g. protection of intellectual property.

Discussion followed where the PAB debated whether it would be appropriate to block mixed scripts, whether confusable domain names should be allowed to be transferred, phishing and whether the proposed policy would be perceived to be discriminatory to certain official UK languages. Sebastien Lahtinen explained that he believes the subcommittee does appreciate the problems surrounding the welsh language with the current proposal and the main issue was balancing the concern over confusability with flexibility in IDNs in a much wider perspective than one or two languages. He suggested a solution could probably be found with time.

There will be a further sub-committee meeting and it was suggested that PAB members might wish to contact some of the Welsh Community who responded to the original consultation.

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

Gordon Dick confirmed he had received an enquiry regarding how to propose an SLD, which he had responded to.

Eric Ramage had received an enquiry regarding renewing a domain name for 12 months. It was confirmed that the PAB had recommended the introduction of single year registration periods as a result of the Registration Periods Working Group in 2005. The fee would remain at £5+Vat and Nominet continue to work on the technical systems to allow this to happen.

Eric Ramage had also received some correspondence regarding Nominet allowing two letter domain names in either the second or third level. This will be referred to the Executive.

14. Urgent Business

Clive Feather stated that there was a problem with the PAB rules, as the way things stand at the moment, either 3 or 5 PAB members are elected in alternate years when it should be 4 per year. This needed to be remedied before the next elections. Clive offered to draft some wording to be agreed by PAB members.

15. Date of next meeting

The next meeting will be held on Wednesday 10 January 2006