

POLICY ADVISORY BOARD REPORT  
Westbury Mayfair Hotel  
10 January 2007  
MEETING 48

Those present:

Alex Bligh	Appointed Member - Nominet Board
James Conaghan	Elected Member
Gordon Dick	Appointed Member - Nominet Board
Earl of Erroll	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
Hazel Pegg	Elected Member
Eric Ramage	Appointed Member - ITMA (Chair)

From Nominet by invitation of the PAB:

Lesley Cowley, Chief Executive  
Emily Taylor, Director of Legal and Policy  
Gareth Cook, Communications Executive

1. Welcome and apologies

An apology was received from David Evans from the Office of the Information Commissioner. Eric Ramage confirmed that Richard Martin had resigned as an elected PAB member and thanked him for his assistance during his time on the PAB.

2. Approval of the November PAB Meeting report

The November meeting report was approved, subject to one change. This was to change the first sentence of the final paragraph of 'ROLE OF THE PAB' on page 4, so that it read 'One PAB member raised the question whether any member would object to being reviewed by other PAB members' rather than 'One PAB member raised an objection to being reviewed by other PAB members' as had been originally published.

3. Matters Arising

Regarding point 7 'Urgent Business', Clive Feather pointed out that this was less of a problem following Richard Martin's resignation, as there would now be four vacancies at this year's election.

Regarding point 4 'PAB Governance Review', Lesley Cowley reported that the change in the PAB's title and the role of the PAB was agreed by the Board. Lesley had relayed to the Board the various views of PAB members with regard to the issue of payment, and had made it clear that there were strong views in favour and against being paid to be on the PAB. In view of these differing views the Board did not propose to make changes to the current situation for the time being.

Regarding point 6 'Matters arising from nom-steer and pab-suggest', Emily Taylor reported that she had written back to the member who had enquired about Nominet's policy of not allowing two letter domain names to be registered. She

said the topic would be added to the executive work programme and would be brought to the PAB in March.

Lesley Cowley stated that there were two members she had met through the Nominet lunch programme who were keen to make two letter domains work and were putting a proposal together. James Conaghan commented that he would not like to see two letter domains ending up in the wrong hands.

#### 4. PAB work status paper

The PAB received the paper.

#### 5. Board response to PAB resolutions meeting 47

The PAB received the paper.

James Conaghan suggested that clarification of the PAB's role should be communicated to members before the PAB election. Lesley Cowley stated that it was intended that this would be clarified in the election materials and that the new 'role of the PAB' document would be published on Nominet's web site. She also confirmed that a navigation link issue on Nominet's web site that had previously caused confusion had been resolved.

#### 6. Phishing - next steps

Emily Taylor introduced this paper and explained that she had set up meetings with APACS, HSBC and with eBay in order to understand the scale and dimensions of the problem and what their expectations of Nominet are in relation to phishing. She will give a progress report to the March PAB meeting and bring proposals to the May meeting.

The Earl of Erroll warned that the financial institutions do not believe that phishing is a big problem, and he commented that a parliamentary committee he was involved with would be coming down very hard on the side of the victims of phishing (i.e. the end users). He also suggested that the Executive should meet with the Banking Ombudsman. As a result it was important for Nominet to choose their language carefully when commenting on this issue.

Eric Ramage thanked Emily for advising the PAB on the progress so far.

#### 7. Policy Feedback from London & Liverpool member meetings

Lesley Cowley gave an overview of the policy issues discussed at the recent Nominet lunches.

At the London lunch the main policy issues were:

- It was suggested that Nominet's policy on IDN and Phishing should be decided at the same time.
- There was concern from members who operated trade mark watch companies that the current limits on our look up services were impacting their business.
- Some members commented about the DRS review and that they would like Nominet to take more of a regulatory approach in order to prevent abusive registrations.

At the Liverpool lunch the main policy issues were:

- Some members would like to see a fast track approach to dealing with domains involved with phishing.
- A member who is a domainer commented that Nominet should remain neutral concerning domainers.

- ISPs should be obliged to deal with content complaints and registrars are not taking enough responsibility about the complaints being made to them.

It was agreed that the Executive would co-ordinate the attendance of PAB members at future Nominet lunches.

#### 8. Feedback from DRS Review subcommittee

Eric Ramage introduced his report from the subcommittee.

There was a brief discussion about the content of the paper that centered around two specific sections. Changes were suggested to these sections that are included in the resolution to this item.

#### Resolution

The PAB resolved to accept the recommendations set out in the report of the DRS subcommittee, subject to the following: (i) the final and penultimate sentences of the paragraph starting "We believe that isolated offers to sell a domain" should be transposed, and (ii) that the section headed 'Other issues' be removed. The PAB further resolved to encourage Lord Erroll and James Conaghan to submit individual responses on the latter issue.

#### 9. Feedback from the IDN subcommittee

Eric Ramage introduced the formal recommendations from the IDN subcommittee and mentioned that Clive Feather had circulated another paper to the PAB mailing list covering the technical issues which the subcommittee had been unable to agree on. Clive Feather explained his paper was not the meeting report, but offered background for those who were interested.

#### Resolution

The PAB resolved to accept the recommendations set out in the report of the IDN subcommittee.

#### 10. Access Limits Policy

Lesley Cowley presented the paper and explained that it was an attempt to bring together a number of policies that Nominet has in various places relating to access limits, to create a coherent policy that would ensure protection of the register database.

Sebastien Lahtinen asked the Executive whether on the basis of this proposal they would implement major changes in charging structures for services without further dialogue with the PAB and other stakeholders. Lesley Cowley replied that it would be unwise for Nominet to undertake major changes without discussing them with stakeholders first.

Clive Feather suggested that the limits should be applicable to the service in question.

#### Resolution

The PAB resolved to accept the recommendations set out in the paper headed 'Access Limits Policy'.

#### 11. Code of Conduct

Hazel Pegg introduced this paper and explained that since the subcommittee meeting a couple of further amendments had been suggested. There was a brief

discussion about these, and they were accepted, as reflected in the resolution for this item.

#### Resolution

The PAB resolved to accept the recommendations set out in the paper headed 'Code of Conduct', subject to the following: (i) in 2.7, replacement of "opinion on Nominet" by "criticism of Nominet"; (ii) after 2.1.7 insert "It is understood that PAB members have responsibilities with other organisations, including their employers. Where this might have put them into conflict with this code, they should proceed with caution and with due consideration as to how their actions may nevertheless be associated with the PAB"; and (iii) deletion of the note in bold on the last page.

The PAB resolved to recommend a change to the PAB rules such that removal of a PAB member can be effected by 75% of all PAB members (irrespective of how many attend the meeting considering the issue) excluding the member under consideration, and that postal or proxy votes should be permitted.

#### 12. Composition of the PAB

Hazel introduced the paper and commented that she had had several conversations with PAB members since writing the paper and had received some useful feedback.

There was a lengthy discussion about how the PAB should best be composed, in terms of the balance of elected members and appointed members, and whether the elected members should be chosen using an electoral college so that they are chosen from different classes or sizes of member companies.

The PAB decided to hold the 2007 PAB election under the current rules and to arrange a separate meeting at which the various issues around the composition of the PAB could be discussed in more detail, and this will be held before the next PAB meeting so that the results of that discussion can be brought to the March PAB meeting.

#### 13. PAB election

Emily Taylor explained that the voting in the PAB election takes place between March and April and we usually notify members about nominating candidates during late January or February. This year Sebastien Lahtinen, Hazel Pegg and Jason Johns were due to retire, and Sebastien and Hazel had already indicated that they would not be standing for re-election.

Emily confirmed that due to Richard Martin's resignation there were now four vacancies, and it was agreed that all four would be filled in this election.

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

There were no matters arising.

#### 15. Urgent Business

There was no urgent business.

#### 16. Date of next meeting

The next meeting will be held on Wednesday 14 March 2007