



POLICY ADVISORY BODY REPORT  
Holiday Inn, 1 Kings Cross Road, London  
12 September 2007  
MEETING 52

Those present:

Andrew Bennett	Elected Member
Gordon Dick	Nominet Board
David Evans	Appointed Member - Information Commissioner's Office
Clive Feather	Elected Member
Mark Healey	Elected Member
Eric Ramage	Appointed Member - ITMA (Chair)
Jarrold Robinson	Elected Member
Michael Toth	Elected Member

From Nominet by invitation of the PAB:  
Marianne Robottom, Policy Executive  
Emily Taylor, Director of Legal and Policy

### **1. Welcome and Apologies**

Apologies were received from James Conaghan, Alex Kells and Subhi Hashwa. The Chair advised that Alex Kells had stood down from the PAB as she had left the industry. The Chair read out a summary of a letter which he had received the previous day from James Conaghan regarding his absence at the meeting.

### **2. Approval of the July PAB Meeting Report**

Michael Toth requested that his name be recorded against his remarks in the May meeting report. The Chair stated that it was normal practise that an individual's name was not ascribed to his or her comments. The PAB agreed that in future this practice would continue unless a member specifically asked to have his or her name recorded.

### **3. Matters arising**

The PAB received the paper.

### **4. Board response to PAB resolutions Meeting 51**

The PAB received the paper and noted the Board's response to the resolutions.

### **5. Domaining, droppatching and the secondary market**

Emily Taylor presented the Executive paper. There are a number of statements of principle around this subject but gaps do exist.

Point 3. Domaining. Some discussion followed regarding different international positions and whether a policy statement was needed. Consensus emerged for adopting a policy statement on Domaining along the lines of Option 1 in the paper and more precise draft wording will be circulated on the nom-pab list inviting comments.

Point 4.1 Dropcatching. PAB members felt that this issue should be looked at in conjunction with the topic of Wait List when it comes up for discussion. One PAB member felt there could be a fourth option in the mix: recognise that dropcatching happens but look at options to deal with it. Emily Taylor offered to bring options to the wait list debate. The next meeting should cover wait list plus dropcatching as it was felt the topics should not be separated.

Point 4.2 Ordinary registrants. The PAB agreed to deal with this item in conjunction with dropcatching and waitlist options.

Point 4.3 Professional registrants. PAB members questioned whether there was a need to treat different types of registrars differently.

The PAB felt that Nominet should be encouraged to offer relevant services to sections of the registrar community, so long as registrars were not forced to belong to a particular category, but were able to make any selection themselves.

The Chair was asked to call for a vote. The following wording was agreed, voted upon and carried:

The PAB recommends that the Executive develop suitable options to suit the needs of different segments of the registrar community, but believes that no registrar should be forced to take a more restrictive option based on their business model.

## **6. DRS consultation**

The PAB received the paper. The Executive highlighted that the consultation had been extended to provide more options, give members more time to review the draft policy changes and to gather more feedback. The PAB discussed safeguards to protect registrants, which were set out in the Executive paper.

Regarding Default Transfer: The majority present were broadly in favour of the proposal, albeit they had questions about how it would work in practice, and were concerned that sufficient safeguards should be put in place to prevent abuse of the system.

The Executive referred to the proposed safeguards set out in the paper:

- complainants would be required to file a full complaint
- there would be a fee of £10 + VAT to open a complaint, where there is no fee at present
- strengthened obligations on Nominet for contacting the respondent
- a simple denial on the part of the respondent would be enough to trigger mediation
- there would be a grace period prior to any transfer in which the respondent could apply to set aside the default transfer
- Respondents will be able to pay for an expert decision (a potential safeguard against abusive complaints)
- Nominet would be able to reject complaints where we believe there to be an abuse of process.

Further discussion brought about suggestions from PAB members which included:

- looking at harmonising the grace periods proposed under the default transfer mechanism with those for ordinary transfers,
- the interplay with non-standard submissions - allowing the respondent to expand a simple denial in a further submission if it appears that the complainant is intending to take a case forward
- strengthening mechanisms for dealing with vexatious complaints, for example by borrowing from similar statutory provisions
- reviewing the fee structures in light of consultation responses, and to minimise abusive or speculative complaints under the new process

The PAB concluded with the following advice to the Board: Nominet should be aware that the change may result in abusive or speculative attacks and take steps to prevent or thwart these.

Michael Toth requested that the meeting notes show that he was not against the default transfer scheme as such but was against the way it is presented at the moment with a £10 initial fee and without the complainant making a formal response or statement of evidence at the outset.

## **7. Variable registration periods**

Emily Taylor highlighted the history of this debate. Since the last time the PAB had considered this issue, changes had taken place to a number of Nominet's processes, which reduced several of the concerns originally highlighted by the PAB (eg defunct registrants, and data quality). Moreover, it was reported that Nominet looked into accounting issues, and was satisfied that these were reasonably straightforward to resolve.

There were discussions about the extent to which Nominet should consider positive checking of registrant data. It was pointed out that registrars tended to discourage Nominet from contacting their customers directly unless necessary. It was suggested that if registration is allowed for ten years, adequate checks should be in place to check details regularly.

The PAB resolved to recommend that a policy of extended registration periods of up to 10 years be introduced.

## **8. Appointed membership review**

Marianne Robottom reported that the Head of Social Policy at the Citizens Advice Bureau had been contacted and that he had expressed an interest in joining the PAB. The PAB tasked Marianne with inviting him to attend a meeting. Some concern was expressed at the low turnout of PAB members at meetings. Discussion followed on how to encourage existing members to attend meetings more regularly rather than appointing new members.

## **9. Manchester Members' Lunch**

Mark Healey presented a paper summarising comments from the Manchester Members' Lunch. He noted that there was hardly any opinion of Domaining expressed by members at this lunch and no consensus on matters generally, although a number of interesting and relevant inputs had been made on variable registration periods, and the DRS.

## **10. Matters arising**

The PAB discussed whether there should be two board members attending meetings. Some were in favour of retaining two board members on the PAB. Others felt that two board members would dominate the PAB. No decision was made, but the PAB recommended that the rules should be changed to make it clear that the Board can appoint either one or two of its members to the PAB.

## **10. Any Other Business**

The timing and venue of PAB meetings was discussed. The PAB decided to return to morning meetings but with a later start time of 10.30 a.m. The PAB asked for the meeting room to be available all day. It was decided to keep meetings at the Kings Cross venue for the time being.

Nom-steer vs web-based forum: Emily Taylor invited everyone to respond to the consultation. One member felt the consultation form appeared to force a decision between one option or another, and should be changed. Others commented that no responses were visible on the website consultation page. Emily agreed to investigate this.

**11. Date of next meeting**

The next meeting will be held on Wednesday 07 November at 10.30 am at the Holiday Inn, 1 King's Cross Road, King's Cross.