

POLICY ADVISORY BOARD REPORT  
PORTMAN SQUARE, LONDON, W1  
4 February 2004  
MEETING 30

Those present:

Richard Almeida	Elected Member
Denesh Bhabuta	Elected Member
Alex Bligh	Appointed Member - Council of Management
John Borrás	Appointed Member - Office of E-envoy
James Cronin	Elected Member
Sue Daley	Appointed Member - CBI
Steve Dyer	Appointed Member - Council of Management
Clive Feather	Elected Member
Peter Gradwell	Elected Member
Sebastien Lahtinen	Elected Member
Ben Laurie	Elected Member
Mark Lewis	Appointed Member - Companies House
Hazel Pegg	Elected Member
Eric Ramage	Appointed Member - ITMA

From Nominet by invitation of the PAB:

Emily Taylor, Solicitor  
Gareth Cook, Communications Executive

1. Apologies

Apologies were received from Iain Bourne and Kathy Riley.

2. Approval of December meeting report

The December meeting report was approved unanimously.

3. PAB elections update

Gareth Cook reported that there were six candidates in the forthcoming PAB election. Denesh Bhabuta, James Cronin and Ben Laurie were standing for re-election, and James Conaghan, Gordon Hudson and Alex Kells were the other candidates. The voting papers will be sent out in the week commencing 16 February by Electoral Reform Services and the poll will close at 5.00pm on 15 March.

Peter Gradwell stated that at the time of the election he would have been PAB Chair for two years and that it was his intention to retire as PAB Chair at that point. He urged PAB members to consider a suitable successor.

4. Feedback from CoM on PAB recommendations

Peter Gradwell read the CoM's responses from the paper that had been submitted to the meeting. Gareth Cook advised that Willie Black had sent a letter to Brian White MP inviting him to join the PAB as an appointed member representing APIG (All Parliamentary Internet Group).

## 5. DRS consultation and review

Emily Taylor presented a paper on the proposals for a review of Nominet's Dispute Resolution Service. The paper included several suggested changes from Nominet's DRS experts and the CoM was seeking initial feedback from the PAB in order to create a consultation paper. The CoM envisages a three month consultation period and that the subsequent changes to the DRS be implemented this Autumn. Emily outlined the main changes which included dropping the reverse burden of proof for cases involving tribute and protest websites, the issue of 'without prejudice' material, and amendments to the appeal process.

Clive Feather raised questions concerning libel and personal data in relation to the publishing of DRS decisions on the Nominet website.

### Resolution

The PAB considered the paper presented by the CoM, and recommended that the CoM should put it out for consultation. The PAB further recommended that Nominet's Data Protection Policies should be applied consistently including publication of DRS judgements, and that the issue of defamation in DRS judgements should be considered by the Council of Management.

Approved unanimously.

## 6. Review of Registrant Terms and Conditions

Emily Taylor presented a paper on the proposals for a review of Nominet's Terms and Conditions for the Registration of Domain Names. She explained that the drive behind the review primarily arises out of the changes being currently made to Nominet's operational processes. Whilst there was no doubt that Nominet should explain its operational processes in detail (for example on its website), the CoM is recommending that the terms and conditions are not the best place to do so, and that the terms should be less focussed on the operational detail of Nominet's practices.

The CoM envisages a three month consultation period and that the new Terms and Conditions can be in place this Autumn.

Emily outlined the main areas of change that were being proposed:-

- a) The contract between Nominet and the registrant should terminate if the registrant dies or a company is dissolved.
- b) The issue of allowing 'aliases' should be reviewed, in order to improve the quality of data
- c) The terms and conditions should cover guidelines that clarify that Nominet is reasonable to believe that anyone who has a password or security code is, or is authorised by, the registrant
- d) It is proposed that Nominet gives registrants a refund if Nominet makes an error.
- e) It is proposed that when responding to requests for personal data, Nominet follows the exemptions set out in the Data Protection Act.

There followed a lengthy debate about these issues, in particular about aliases and the Data Protection Act.

Resolution:

The PAB considered the paper presented by the CoM, and recommended that the CoM should put it out for consultation subject to the following amendments:

- a) The PAB recommends that the CoM should reconsider its proposals under section 2.2 of the paper marked "should the registrant cease to exist", and instead the CoM should allow legal successors of registrants who have died or otherwise ceased to exist, within the period of registration, to execute a valid transfer form in respect of a domain name, together with the appropriate fee. Further, the PAB recommends that Nominet will not otherwise deal with such successors unless and until a valid transfer form has been executed and the appropriate fee paid;
- b) The PAB recommends, with respect to section 2.3 of the paper, that the only criterion to make a name "correct" under the terms in the current document should be that it is both good for contact, and that it is not deceptive; further that the term "correct" should not be used as it is misleading; and
- c) The PAB recommends that the CoM should address the issue of revocation of security codes in its consultation, and the possibly incorrect assumption that it is always Nominet that issues the security code.

Approved unanimously.

#### 7. Automaton date restrictions

Resolution:

The PAB considered the paper presented by the CoM, and recommended that it should be implemented subject to the following amendments:

- a) Under section 3.2, "seven days" should be changed to "three days"; and
- b) Under section 3.1, the new field should become mandatory on an aggressive timescale without further reference to the PAB.

Approved unanimously

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

The PAB discussed the suggestion from Ben Laurie that individual votes should be published in the PAB minutes.

Resolution:

The PAB noted that there should be no restriction on individual PAB members revealing how they voted, and resolved that should PAB members wish their individual vote to be recorded in the minutes, they should be able to demand this. However, the PAB resolved that it would not as a matter of course minute the manner in which each PAB member voted.

Approved unanimously

Hazel Pegg advised that she wished to delay discussion of the issue she had raised on nom-steer (whether CoM appointees to the PAB should have voting rights) until another meeting.

The PAB thank James Conaghan for his suggestion that PAB members should receive remuneration for their efforts and recommend that the CoM considers this suggestion as part of its strategic review of the PAB.

The PAB discussed Gordon Hudson's proposal that tag holders should be allowed to make changes to the registrant field on a domain name on behalf of the registrant.

The PAB felt that this proposal, together with other wider issues is being, or has been, addressed by:-

- a) The ability for tag holders to fill out transfer forms on behalf of their customers
- b) The proposed ability for registrants to sign forms electronically
- c) The working group on Lock State which is considering, amongst other things, proposals to allow tag holders either restricted or additional rights to modify the register

#### 9. Urgent business

The PAB thanked Peter Gradwell for his term as Chairman. They also thanked the elected members who were standing for re-election for their efforts, and Richard Almeida who was not standing for re-election.

#### 10. Date of next meeting

The next meeting will be held at 10.00am on Wednesday 7 April 2004.