

POLICY ADVISORY BOARD REPORT  
PORTMAN SQUARE, LONDON, W1  
6 August 2003  
MEETING 27

Those present:

Richard Almeida	Elected Member
Denesh Bhabuta	Elected Member
Alex Bligh	Appointed Member - Council of Management
James Cronin	Elected Member
Michael Duggan	Appointed Member - DTI
Clive Feather	Elected Member
Peter Gradwell	Elected Member
Sebastien Lahtinen	Elected Member
Brett Lyons	Appointed Member - ITMA
Kathy Riley	Appointed Member - British Chambers of Commerce

From Nominet by invitation of the PAB:

Gareth Cook, Communications Executive  
Frances Williams, Director of Finance

1. Apologies

Apologies were received from John Borrás, Iain Bourne, Steve Dyer, Ben Laurie, and Hazel Pegg.

2. Approval of June meeting report

The June meeting report was approved unanimously.

3. Feedback from CoM on PAB recommendations

- a) PAB Communications & Consultation paper - the CoM approved the paper.
- b) Tag Changes paper - the CoM passed this to the Executive to consider the matters raised in the paper at the next review of the tag change procedure.

Resolution:

The PAB resolved to repeat its prior request to the Council of Management to produce a written report of which recommendations of the PAB it had accepted, and which it had not, prior to the issue of PAB papers.

4. .me.uk rules subcommittee

Sebastien Lahtinen presented the final report of the .me.uk rules subcommittee <http://www.nominet.org.uk/Pab/PabMeetingPapers/MeUkRulesSubcommitteeReport.html>. He outlined the key points made in the paper and asked the PAB to approve it.

He also raised a discussion point not present in the paper about what should happen under the new rules when a DRS complaint is upheld and the complainant is a Company. Under the new rules the name could not be transferred to the Company, but unless the domain name is suspended until its expiry it could be registered again and begin a cycle of DRS complaints.

Resolution:

The PAB approved the paper presented by the .me.uk subcommittee, and recommended to the Council of Management that it implement the policy changes outlined in the paper.

The PAB recommended that when a successful DRS challenge is made against a registration, the expert should have the option that the domain name should be put in a state where it is registered neither to the complainant nor to the original registrant, and its use be blocked until expiry of the original registration, as if the domain name had been suspended, or for such longer period as the expert shall specify.

#### 5. AGM report back

Peter Gradwell gave feedback from the PAB workshop sessions from the Nominet AGM.

- \* Internationalised domain names - this session was chaired by Steve Dyer and as he was absent this topic would be reviewed at the next meeting.

- \* Automaton abuse - this session had been chaired by Jay Daley. People attending the session had been mainly concerned to find out how Nominet blocks people from using the Automaton and wanting higher volumes of requests etc. The issue of a Waiting List Service had also been discussed, with some people in favour (those interested in running a WLS) and others against such a service. Alex Bligh commented that the issue of whether to introduce a Wait Listing Service was due to be reviewed at the next PAB meeting.

- \* .me.uk rules - Sebastien Lahtinen had incorporated the comments from this session into the PAB subcommittee paper.

- \* SLD Policy and Procedure - Alex Bligh had chaired these two sessions and he reported that they had been the best attended of those on offer. The focus of the session was to inform the members attending of the background to the issue, and to explain the CoM's recommendation with regard to the SLD policy and procedure, outlining what practical outcomes the CoM wanted to achieve and explaining the process behind this. There were a variety of views amongst those attending, for instance: some members felt the new procedure would result in more SLDs than would have been created under the old procedure, some members felt it would result in fewer. Some members felt that there was a need for a limited number of new SLDs, some members felt that there was not a need for any new SLDs, and some members felt that the second level should be opened allowing anyone to have a new SLD. Some members felt that if Nominet believed it was right, it should fight the issue, some members believed the proposals were a pragmatic compromise. Thus there was no consensus on the issue.

#### 6. SLD policy and procedure - to formulate the formal PAB response

Sebastien Lahtinen suggested that the PAB should perhaps formulate its response at the next meeting following the end of the public consultation at the end of September. Peter Gradwell commented that the PAB should not wait until all public responses had been received as this would mean that the PAB would miss the chance to give its own response, but it would be useful to have as much of that feedback as possible.

Alex Bligh suggested creating a subcommittee to meet in September to produce a response to the consultation, taking into account the responses that had been submitted so far. He also suggested that as any subcommittee report would have to be approved by the PAB, and the PAB meeting is a day after the deadline for

submissions, that the CoM be asked to agree to accept a PAB report produced a day later.

Alex Bligh explained the background to the new SLD Policy and Procedure and emphasised that the Board had agreed on the compromise decision largely because fighting the OFT decision could well cost several million pounds and take up a lot of time.

Peter Gradwell suggested that the PAB subcommittee should answer the 9 questions posed in the Nominet consultation. Alex Bligh suggested that it should also go through the policy and procedure to address any problems with the procedure that could be lost among the wider debate.

There was no consensus within the PAB on the issue of whether or not the new SLD policy and procedure should be adopted. The PAB are split between those who strongly disagree with the idea in principle, and those who disagree but recognise the need to compromise.

Resolution:

The PAB resolved to create a subcommittee to examine the details of the proposed SLD procedure, with specific reference to the questions raised by Nominet in its consultation. The subcommittee should work on the assumption that the proposals will be adopted broadly in their existing form, and consideration of whether or not this should be the case shall be specifically outside the remit of the subcommittee. No implication should be drawn from this resolution as to whether or not such adoption should in fact occur, and this decision is specifically reserved until the October PAB meeting. Peter Gradwell is to chair the subcommittee.

## 7. Pricing review

Frances Williams presented her paper on the pricing review. Costings had been reviewed at the July CoM meeting and the CoM have asked the PAB to approve the proposed changes.

Michael Duggan commented that it was inappropriate that the PAB was being asked to agree the absolute amount of prices and said that he did not feel that the PAB should make such a decision as it did not have the evidence required.

Frances explained that the Board's view was that the price for registration and renewals should remain unchanged as the latest financial forecast indicates that a small surplus will be achievable over the next financial year based on current prices.

In terms of tag changes and registrant transfers Frances explained that the costs of these have been reviewed before the 6 months' deadline. No significant cost reductions have been seen yet, so the CoM are recommending that there is no change to the price. However, the Board looked separately at multiple tag change and registrant transfers. The volumes of these have reduced dramatically since charging was introduced and there are significant economies of scale for multiple transfers and charges where all the details that are changing are identical.

As a result the Board proposed that multiple tag changes and registrant transfers should be capped at the price of two individual changes or transfers provided that all details (other than the domain name) are strictly identical for all the domains in question. The capped price would be £30 + VAT for multiple tag changes and £60 + VAT for multiple registrant transfers.

## Resolution:

The PAB noted the Council of Management's proposals on pricing and noted that the only proposed change was in relation to bulk transfers and bulk manual tag changes. The PAB resolved to approve the principle behind the price changes, as outlined in the document. The PAB made no recommendation as to the approval or otherwise of the detail of the price changes, as it felt this should be a matter for the Council of Management as detailed below.

The PAB noted that it was in a peculiar situation in that it was being asked to determine the appropriateness or otherwise of price changes where it was in a poorer position to judge the issues concerned than either the Council of Management or the Executive. The PAB resolved to request that the Council of Management only ask the PAB for decisions on price changes when required to do so by the Memorandum and Articles, and simply keep it informed in other circumstances.

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

Alex Bligh raised a point of order that in accordance with the PAB Communication & Consultation paper any issues arising from nom-steer and pab-suggest should be presented as a paper.

Gareth Cook reported back on an issue that had arisen after the deadline for PAB papers. A member who works for the British Phonographic Industry had contacted pab-suggest and wanted Nominet to make it mandatory for all tag holders to register the correct contact details for their registrants, and to make it part of the Tag Holder Agreement. He then wanted Nominet to police this and take action where there was incorrect data. Felicity Hoad had spoken to him and explained how difficult this would be given the size of the register and she invited him to meet with her to explain more about what Nominet does and how it works. Clive Feather mentioned that he had also been approached by the same person and had met with him. He wanted to come to a PAB meeting and give a presentation of his proposal.

It was suggested that the BPI be asked to submit a paper to the next PAB meeting.

### 9. Urgent business

#### Nominet working groups paper

Alex Bligh asked what had happened to Ben Laurie's paper on Nominet working groups. Peter Gradwell explained that as Ben was unable to attend this meeting discussion of the paper was deferred to the October PAB meeting.

#### Governance system

Alex Bligh suggested that the issue of governance and the comparison between Nominet members and tag holders should be addressed at a subsequent PAB meeting. The issue had recently been debated on nom-steer, particularly with regard to voting rights in the Council of Management elections. It was agreed to discuss this issue at the October PAB.

#### Domain names for Clubs and Societies

Clive Feather suggested that given the fact that Nominet is now charging for registrant transfers, that there should be a mechanism for Clubs and Societies to change registrant without having to pay a fee every time the club's

authorised signatory changes. It was suggested that Clive should write a paper on this topic for the next PAB meeting.

#### DRS pricing and cost recovery

Clive Feather raised the point that the Office of the Telecoms Ombudsman (OTELO) and the Chartered Institute of Arbitrators had recently introduced dispute resolution procedures on a cost recovery basis and that the charges involved are significantly cheaper than those under Nominet's DRS. The PAB noted that the Executive may wish to investigate these schemes as part of the ongoing watch on the DRS pricing structure and their development of the RDRP.

#### 10. Date of next meeting

The next meeting will be held at 10.00am on Wednesday 1 October 2003.