

me.uk Rules – A PAB Consultation

Subcommittee

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Portman Square LONDON

Denesh Bhabuta
Alex Bligh
Clive Feather
Peter Gradwell
Sebastien Lahtinen

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References: me.uk Rules – A PAB Consultation (*17 February 2003*)
<http://www.nic.uk/Pab/PabConsultationPapers/MeukRulesConsultation/MeukRulesConsultationPaper.html>

me.uk Rules – A PAB Consultation – Responses
<http://www.nic.uk/Pab/PabMeetingPapers/SummaryOfmeukRulesConsultation.html>

.me.uk Rules - Responses
<http://www.nic.uk/Pab/PabConsultationPapers/MeukRulesConsultation/MeukRulesConsultationResponses.html>

Background

The me.uk rules consultation has taken place in light of potential problems in the interpretation of “Abusive Registrations” within the me.uk second level domain (SLD), following feedback from stakeholders, and following a request from the chair of Nominet’s Dispute Resolution Service (DRS). The subcommittee was also asked by the PAB to consider amending the rules to give greater rights to individual registrants (as opposed to corporate registrants). Also, the current system, as it relies on the DRS, does not allow challenges for breaches of 'rules' by persons without “rights” to the domain name.

Following feedback from stakeholders to the initial PAB paper entitled “me.uk Rules – A PAB Consultation”, in the 25th meeting of the PAB on 2 April 2003, the subcommittee was asked to produce a set of *firm proposals for rules changes* to be presented at the June PAB meeting.

Since the last interim summary of feedback, a further eight responses were received, bring the total number of submissions to sixteen. The subcommittee would like to thank those who have submitted comments so far and noted that rules changes will be subject to a further consultation by Nominet and encourages members/tagholders, registrants and other stakeholders to participate in the consultation.

Subcommittee Recommendations

The subcommittee addressed the policy recommendations on the issues raised in the initial paper as follows:

Q E.1. Chartered for “the use of private individuals”?

Most responses to the consultation indicated a preference for the SLD to be chartered for the use of private individuals. It is important to note that ‘chartered’ for does not in itself impose any restriction, but expresses the purpose or intended use of the SLD.

RECOMMENDATION

The me.uk SLD should be chartered for the use of private individuals.

Q F.1. Should the definition concentrate on the nature of the registrant, nature of the use or both? How should such a definition be framed?

Assuming the namespace is chartered for the use of private individuals, it is necessary to define what this means. This test could refer to the nature of the registrant (i.e. is the registrant a “natural person” as opposed to a company), with respect to the use of the domain (i.e. is the domain being used to sell good and services?) or both.

RECOMMENDATION:

Both the nature of the registrant and the use of the domain should be taken into account.

The registrant must be an individual and the domain “...must not be used in a manner demonstrably inconsistent with a registration for use by an individual.”

The subcommittee noted that this does not explicitly prohibit the use of a domain name in a commercial transaction provided the use is consistent with that of an individual as opposed to, for instance, a company.

Q G.1. “on behalf of” or “with the permission of” registrations

The current system for .me.uk includes a provision with regard to ‘abusive registrations’ for third parties (including companies) to register a domain ‘on behalf of’ or ‘with the permission of’ an individual. This was primarily intended so that for example, celebrity management companies were able to register names on behalf of their clients. The general consensus among those responding to the consultation was that these registrations should not be permitted. It is suggested that ‘on behalf of’ registrations are not necessary as management companies can register the domain names in the names of their clients, but at their address.

RECOMMENDATION:

No “on behalf of” or “with the permission of” registrations should be allowed in the .me.uk SLD.

Q H.1. Enforcement mechanism

Assuming that the rules changes take place, an enforcement mechanism is required to ensure that the rules are followed.

The subcommittee considered that Nominet could enforce the registrant type field on the application to register a domain name and require this to be an ‘individual’. The subcommittee considered that this minor technical change would not place an undue burden on tagholders.

RECOMMENDATION:

Enforcement should be through a “Rules Dispute Resolution Procedure” (RDRP) under which anyone may, on payment of a small fee, challenge a registration on “rules” grounds. As these cases are expected to be less complicated, the costs will be lower and the full Dispute Resolution Service (DRS) is not required. The subcommittee understands that Nominet is currently investigating the possibility of such a system for more general purposes, and this recommendation is based on the assumption Nominet will proceed with such a system.

Further, Nominet should also require the ‘reg-type’ automaton field to be sent to ‘IND’ on new registrations.

Q I.1. Correspondence between registrant’s name and the domain.

The consultation paper asked to what extent the relationship between the registrant’s name and the domain name should be enforced or advantage any claim under the normal existing DRS. Respondents expressed varying views both issues.

The subcommittee felt that the existing provisions within the DRS gave adequate protection both to commercial rights holders, and to private individuals, and that no additional protection should be given within the *me.uk* SLD. The subcommittee further reasoned that attempting to enforce a correspondence between a registrant’s name and the domain name concerned would be unreasonably complex, subjective, and intrusive.

The subcommittee felt that the current DRS procedure is adequate in scope to deal with any problems that arise. The cost of the current DRS was discussed following calls for a “DRS lite”. It was pointed out that the cost of dealing with a *me.uk* dispute other than a ‘rules dispute’ covered by the proposed

procedure outlined above, would not necessarily be any less expensive than a similar case in other SLDs such as co.uk, and could even be more complicated and costly. It was therefore noted that the only way to reduce the DRS fee would be to subsidise it either through raising the price of me.uk domains, or financing it through other DRS fees. It was felt that neither was appropriate and the subcommittee concluded that the proposed changes and introduction of the RDRP would have reduce the number of cases that would be candidates for the DRS in addition to dealing with issues the current DRS does cater for.

RECOMMENDATION:

No correspondence between the domain name and registrant name should be required, and that the same DRS rules be applied to *me.uk* as to other SLDs.

The subcommittee recommends that the current structure of the DRS be maintained and that Nominet UK continue to review its charges to ensure that the DRS fees reflect true cost recovery.

Q J.1. Legacy names

In any change of rules, some names that have already been registered may now be in breach of the rules or new procedures may make it easier to challenge existing registrations

The subcommittee discussed various ways in which rule changes could be implemented, if this was a desirable option. It was noted over time as the SLD becomes more associated with individuals, corporate use of the SLD would become less likely.

RECOMMENDATION:

Existing registrations should be allowed to remain as “legacy names”.

Feedback & Process

As a PAB Meeting Paper, stakeholders are encouraged to provide feedback on the contents of this paper. This should be submitted to pab-feedback@nominet.org.uk. It is envisaged that should the PAB approve recommendations for rules change to the CoM, and the CoM approve those rules changes in principle, Nominet will draft the new rules and consult with the registrants on the proposed changes prior to their implementation.

Sebastien Lahtinen
18/05/2003