

Raising Industry Standards

Paper for presentation to the Policy Advisory Board

The PAB is asked to consider the following resolution:

“The Policy Advisory Board supports the paper “Raising Industry Standards”, and the full public consultation, and associated outreach, early in 2006 as planned by the Executive team. The Policy Advisory Board agrees to give a written response to the proposals within the consultation period.”

Raising Industry Standards

A consultation paper

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1. Executive Summary

Nominet is seeking your comments about our proposals to raise standards in the domain name industry.

At present, anyone can become a Nominet registrar and member. No technical or business knowledge is required, only the payment of a fee.

This has benefits. The UK has one of the most competitive registrar industries in the world, with plenty of choice offered to end users, and low barriers to entry.

However, it also has limitations. Although the vast majority of .uk registrars act responsibly towards their customers, a minority do not. We frequently receive complaints from registrants and other registrars about business practices, lack of basic technical knowledge, and a lack of clear information about services and charges. As a result, the reputation of the industry is not as good as it should be, and we feel that it can be improved.

Our purpose is to introduce achievable, objective standards:

- To deliver benefits to end users; and
- To promote trust and confidence in the industry

There is no intention to impose a bureaucratic, or expensive system on would-be registrars, nor to benefit one segment of registrars over others.

Nominet offers high standards of customer support, both to registrars and registrants, and our service excellence strategy seeks to maintain and improve this. Building on this, we are committed to working with registrars as partners in order to promote understanding and use of the .uk domain.

2. How to participate in this consultation

We are asking for your views to help us in making important decisions about how we interact with registrars in future. We have asked a series of questions, which are set out in section 10.2. If you do not have time to review the detailed questions, please give us your views on the general questions set out in section 10.1.

All consultation responses will be published on our web site. However, we reserve the right to remove any materials which in our reasonable opinion are defamatory, offensive or unintelligible.

Thank you for your involvement.

3. Introduction

During its 2005 strategic review, Nominet's Board agreed a new strategic priority of raising standards in the industry. Our decision to pursue this new strategy is informed by feedback from our many stakeholders and in particular, from our registrars. The Board believes that, whilst industry self-regulation has been a success to date, it now needs to further evolve to meet the needs of all stakeholders.

You will find further information on stakeholder feedback and the highlights from a benchmarking study that we conducted to compare our operations to those of other domain name registries at appendix A.

In this paper, those who register domain names on behalf of end-users, agents of the registrant and tag holders will be referred to as **registrars**.

The proposals contained in this paper are relevant only to those registrars who offer domain name registration to third parties, whether end users or resellers.

With the objective of raising standards in mind, we are seeking your views on three connected issues:

- Strengthening our contract with registrars, in order to benefit end users, and generally raise standards in the domain name registration industry
- Enforcement: how to make sure that measures introduced are capable of being enforced effectively.
- Possibilities for establishing a voluntary code of practice, which would cover a wider spectrum of issues relating to the Internet industry as a whole.

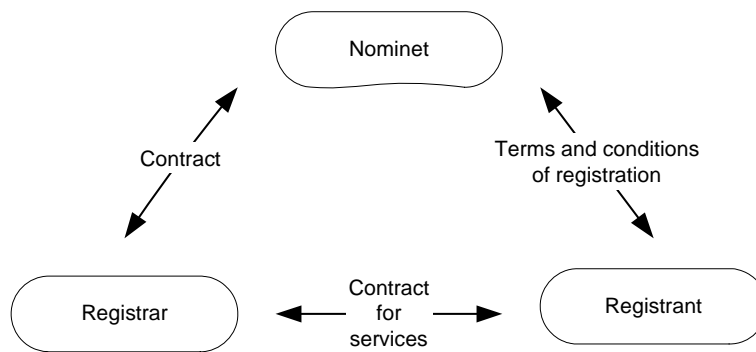
4. Background

Nominet is a non-profit company. It has members instead of shareholders. The vast majority of members are UK based companies that offer domain name registration services to third parties. We have over 2,800 members. Members pay a joining fee (£400) and an annual subscription (£100) and are entitled to a discounted registration rate.

In order to register domain names these companies must also become registrars. A registrar can process domain name applications and renewals through our automated registration system - the Automaton. Only registrars who are also members of Nominet are entitled to receive a discount for domain name registrations. The relationship between Nominet and .uk registrars is set out in a standard contract. A copy of this contract is provided at <http://www.nic.uk/go/tha/>

Nominet also has a contractual relationship with each domain name registrant. Nominet has a contractual relationship with all domain name registrants so that the mutual rights and obligations can be directly enforced

The contractual relationships involved in domain name registrations are:



Many registrars currently provide a high standard of service to their customers. However, a perception exists that the industry is rife with bad practice and low service standards. Therefore, our objective is to encourage debate and to address the perception of poor practice.

Registrars currently operate a variety of valid different business models. They differ significantly in terms of size, and the volumes that they handle. Some registrars register thousands of domain names every month while others register a handful each year.

The proposals set out in this paper are intended to be readily achievable both by large and small registrars.

5. Consultation format

There are three main elements of this consultation:

- Changes to the registrar contract
- Enforcement of the registrar contract
- Establishing a voluntary wider code of conduct

6. Changes to the registrar contract

6.1 Current situation

Currently, registrar status is given to everyone who applies. We make no checks on an organisation or individual applying to become a registrar other than a basic credit check (a poor credit rating will not result in refusal of the application, but will result in advance payments being needed).

Registrars have a number of obligations under the current registrar agreement, most of which are “legal” in nature: for example, the registrar’s warranty of authority to act as agents for registrants, which cascades down to resellers; registrars must draw registrants’ attention to our terms and conditions, and they must not place Nominet in breach of the Data Protection Act.

There are few other requirements in the current registrar agreement, beyond mild obligations not to knowingly process applications without client authority, to amend details if requested by the registrant, and not to delay a registrar change.

In this section we propose a number of changes that relate to registrars’ technical ability and business practices, in order to raise standards for the benefit of end-users.

We propose the following changes to the registrar contract:

- Registrars will need a minimum level of technical and business competence
- Registrars will be responsible for the accuracy of data (including responsible use of the WHOIS opt out)
- Registrars will publish their charges to their customers
- Registrars will publish information about their customer service levels
- Registrars will publish timescales and meet them
- Registrars will accurately represent their relationship with Nominet
- The contract will be written in Plain English

6.2 Minimum level of technical and business competence

6.2.1 Current situation

There is currently no requirement for a registrar to demonstrate any level of knowledge of Nominet’s technical and operational practices.

6.2.2 Why change?

Currently, the fact that we don’t offer or require any training on our technical or operational processes makes it difficult for a new registrar to provide accurate information and advice about .uk domain names to their customers. Some registrars and/or their customers require a disproportionate level of support from Nominet, compared with those registrars who understand the systems.

Technical competence requirements are fairly widespread in the industry, e.g. in other country code registries, and some accredited registrars for other suffixes have technical competence requirements for becoming a reseller of that registrar.

We propose that we should assess a basic level of technical and business competence, and that competence will be reviewed at regular intervals in order to maintain standards.

6.2.3 General question

Question 1 Do you agree that .uk registrars should have to demonstrate a basic level of relevant skill and competence?

6.2.4 Detailed proposals

6.2.4.1 Test registration

A registrar would be given a set of information relating to a prospective registrant and a domain name they wish to register. The registrar would register the name with the Automaton, correctly specifying the data fields and pointing to two operational nameservers. As well as testing the messages sent, we would also test the specified nameservers remotely.

This tests the following skills:

- Creation of a PGP key;
- Submitting a correctly signed message to the Automaton;
- Correct completion of all the appropriate data fields on the Automaton template;
- Correctly set up nameservers.

The tests could be expanded to cover additional operations, such as renewing the domain, making a modification to the register records, or responding to a registrar change request.

Evaluation of test results would be fully automated, with no human judgement required.

We could require new and existing registrars to complete this test.

6.2.4.2 Essential Nominet process knowledge

This would involve a set of multiple-choice questions about our business practices, e.g. "What is the limit on speculative request/query attempts to the Automaton" taken from the registrar reference materials available on our web site. We would draw up a list of questions and a registrar would need to answer an automated test of a subset of these questions.

The "test" will not be an exam, and registrars will be able to research the answers.

We could require new and existing registrars to complete this test.

6.2.5 Consultation questions regarding the detailed proposal

Question 1a Do you agree that we should assess the basic technical knowledge of registrars?

Question 1b Do you agree that we should test registrars' awareness of the key business processes involved in the registration and maintenance of .uk domain names?

Question 1c Do you agree that the tests should be applied both to new and existing registrars?

6.3 Accuracy of data

6.3.1 Current situation

The terms and conditions of registration currently require the registrant to ensure that their details are accurate and kept up to date. If incorrect registrant information is provided the domain name is can be cancelled. Non-business users can opt not to have their address details published on our domain name look-up service, the WHOIS (we call this the WHOIS opt-out).

Currently, the registrar contract makes few data accuracy requirements. Registrars are currently required to amend details on Nominet's database "promptly on receiving a request to do so from the Registrant." There is nothing about the WHOIS opt-out , or about making a customer's registration in the registrar's name.

6.3.2 Why change?

In practice the information supplied to Nominet is often inaccurate, incomplete, out of date and sometimes nonsensical e.g. the registrant is listed as "N/A", Santa Claus etc.

Although registrars are required to update our records if the **registrant** requests, they have no obligation to do so if **Nominet** requests. Some registrars have refused to eliminate obviously incorrect data (eg N/A, Santa Claus, Buy this Domain) when asked to do so.

Similarly, there is no obligation on registrars to update our records if they know their customer's details have changed (ie the customer moves and informs the registrar, but does not request that the registrar updates our records).

We are also aware from complaints that a small minority of registrars currently request WHOIS opt outs for every registration, regardless of whether or not the registrant is a business or an individual.

Complaints and Dispute Resolution Service cases also indicate that a small minority of registrars routinely put registrations in their own name without their customer's consent. If the registrar or reseller is unwilling or unable (e.g. through dissolution) to transfer the domain name to the actual user of the name this can cause significant inconvenience and cost for the end customer.

We think it would be impracticable for registrars to have to proactively verify the identity and data accuracy of every registration. Although some registrars do this, many offer automated systems in which the data entry is done entirely by the customer. Others process such high volumes that to impose such requirements would increase costs and bureaucracy which would likely be passed on to the customer. However, we do think that registrars should have an obligation to respond to requests for data to be changed.

6.3.3 General question

Question 2 Do you agree that registrars should have obligations to keep data accurate and up to date?

6.3.4 Detailed proposals

The current requirements would be expanded to add the following duties:

- Not to knowingly give us inaccurate data
- To make corrections, if the registrar becomes aware that the data we have is inaccurate.
- To use the WHOIS opt-out facility responsibly, and not to make it available to consumers who are not eligible.
- Not to register domain names in the name of someone other than the registrant (including the registrar's name) without the registrant's prior consent.

6.3.5 Questions on the detailed proposals

- Question 2a Do you agree that registrars should not knowingly give us inaccurate data?
- Question 2b Do you agree that registrars should correct our records if they become aware that the data we have is inaccurate?
- Question 2c Do you agree that registrars should be required to use the WHOIS opt-out facility responsibly, and not to make it available to consumers who are not eligible?
- Question 2d Do you agree that registrars should be required to ensure that domain names are only registered in the name of someone other than the registrant (including the registrar's name) with the registrant's prior consent?

6.4 Publication of Charges

6.4.1 Current situation

The .uk domain name market is highly competitive, offering a wide choice to UK end-users. The charges associated with domain name registration, renewal and maintenance are very varied. Some registrars charge at cost, others bundle the fee into the charge for a package of services and some charge a premium rate for a highly personalised service.

Nominet continues to support vibrant competition at registrar level.

6.4.2 Why change?

Feedback from our customer-facing departments indicates that end-users are not always informed about charges, eg charges associated with moving to a new registrar.

We believe it is important that a registrant knows what they should expect to pay at the outset and advised of any changes to charges.

6.4.3 General question

- Question 3 Do you agree that registrars should have to publish accurate information about charges?

6.4.4 Detailed proposal

It is proposed the following be added to the registrar contract:

- A requirement to publish the charges associated with .uk domain name registration, renewal and maintenance
- A requirement to publish details of how they will inform their customers of changes to their charges

6.4.5 Consultation questions regarding the detailed proposal

- Question 3a Do you agree registrars should have to publish the charges associated with .uk domain name registration, renewal and maintenance?
- Question 3b Do you agree registrars should have to publish details of how they will inform their customers of changes to their charges?

6.5 Information about service levels

6.5.1 Current situation

Registrars offer different levels of customer support. Some provide full telephone support while others provide support via email, some provide both and some provide neither. Some make a charge for customer support while for others it funded through the overall service charge.

6.5.2 Why change?

We believe it is important that a customer understands the level of support that they can expect so that they can make an informed decision as to whether it is the right level for them.

Also, we are aware that a small minority of registrars who provide no support to their customers take full and free advantage of the support service that Nominet provides all registrants.

6.5.3 General question

Question 4 Do you agree that registrars should publish the method, cost and availability of customer service?

6.5.4 Detailed proposal

Customers will require different levels of support. When choosing between registrars the level of support offered may influence the customer's choice. To inform this decision, we believe that customers should be able to easily access information in a publicly accessible area of the registrar's web site on:

- The method of support provided, e.g. phone, email, web based help forms
- The cost of support e.g. if support is only provided by way of a premium rate telephone number
- The times and availability of customer support

At all reasonable times, the registrar must meet the advertised service level. In addition, and so far as possible, the registrar should not use Nominet's customer support teams as a substitute for providing their own customer support.

6.5.5 Consultation questions regarding the detailed proposal

Question 4a Do you agree that registrars should be required to publish details of the time, the type, availability and cost of customer support and at all reasonable times must meet the advertised service level?

Question 4b Do you agree that, so far as possible, a registrar should not cause a disproportionate burden on Nominet's support service as a result of the level of support that they provide?

6.6 Publishing timescales and sticking to them

6.6.1 Current situation

We recognise that registrars offer different levels of service to their customers. Some offer an entirely automated update system, resulting in almost immediate changes. Others offer a highly personalised service that may take longer to complete.

We support this wide range of business models.

6.6.2 Why change?

We often deal with end-users who are frustrated because they do not know how long to expect their registrar to take to process a transaction.

We do not propose that the registrar contract dictate how long an update should take but that customer expectations are clearly set through published timescales on the registrars web site or business literature.

6.6.3 General question

Question 5 Do you agree that customers should have access to information on how long their registrar will take to make changes to their domain name?

6.6.4 Detailed proposal

It is proposed that a clear explanation of the relevant service and how it can be invoked together with details of the time the registrar takes (specified in hours or days) to carry out the service is clearly displayed on a publicly accessible area of the registrar's web site. At all reasonable times, the registrar must comply with the stated time periods.

6.6.5 Consultation questions regarding the detailed proposal

Question 5a Do you agree that a clear explanation of the relevant service and how it can be invoked together with details of the time the registrar takes (specified in hours or days) to carry out the service should be clearly displayed on a publicly accessible area of the registrar's web site.

Question 5b Do you agree that at all reasonable times, the registrar must comply with the time scales published on their web site/business literature?

Question 5c Do you think there should also be a maximum timescale in which the various types of updates must be made?

6.7 Accurate representation of relationship with Nominet

6.7.1 Current situation

Nominet does not accredit its registrars nor does membership of Nominet or the registrar status convey a "special relationship". While registrars are usually members, the member status is a construct of Nominet being a company limited by guarantee. Registrars act as agents of their registrants and not agents of Nominet.

Registrars have an obligation to make registrants aware of Nominet's terms and conditions.

6.7.2 Why change?

We are aware that some registrars misrepresent their relationship with Nominet, whether deliberately or because they do not understand the nature of the relationship. When we receive complaints from domain name registrants about members there is usually an expectation that Nominet regulates the activities of registrars and will therefore sanction the registrar because they are a member or a "Nominet agent".

We believe that some registrars may fail to bring the terms and conditions of registration to the attention to their customers.

It is important that the relationship is represented accurately and that registrants are aware of it. This protects Nominet from potential liability, either through misrepresentation of the relationship between a registrar, and us or through failure to incorporate our terms and conditions into the contract of registration.

6.7.3 Consultation question if you support the intent

Question 6 Do you agree that it is important that the relationship between the registrar and Nominet is accurately represented?

6.7.4 Detailed proposal

It is proposed that the current requirements be expanded to include an obligation to make the following information (as a minimum) available to customers before a registration is made and, on request, demonstrate how this is done:

- A brief and accurate description of who Nominet is and the relationship between the registrar, Nominet and the registrant.

- An explanation that registering a .uk domain name means entering into a contract with Nominet, and accepting our contractual terms.
- Providing clear links to our contractual terms upfront.

Draft materials and information for links would be available to support registrars.

6.7.5 Consultation questions regarding the detailed proposal

Question 6a Do you agree that registrars should be required to publish a brief and accurate description of who Nominet is and the relationship between the registrar, Nominet and the registrant?

Question 6b Do you agree that registrars should be required to publish an explanation that registering a .uk domain name means entering into a contract with Nominet, and accepting our contractual terms?

Question 6c Do you agree that registrars should be required to publish clear links to our contractual terms upfront?

6.8 Plain English registrar agreement

6.8.1 Current situation

The current version of the registrar agreement was introduced in February 2003. With more recent contracts we have achieved the Plain English Campaign Crystal Mark.

6.8.2 Why change?

The contract uses certain words and phrases which, although they have accepted legal meaning, are not readily understood.. This has resulted in confusion, and mismatched expectations, eg in relation to transaction times which registrars should keep to.

It is proposed that a redrafted agreement should also meet the Crystal Mark standard.

6.8.3 Consultation question

Question 7 Do you agree that Nominet should improve clarity and transparency of the requirements in the registrar agreement?

7. Sanctions for breaching the registrar agreement

Sanctions would have to be proportionate to the nature of the complaint and any system would also have to be easy for registrars and registrants to understand and to predict.

There are two broad categories:

- “naming and shaming” (similar to Advertising Standards Association decisions).
- “real” sanctions, such as financial penalties, suspension and ultimately withdrawal of ability to register domain names or reduced functionality (e.g. can continue to maintain existing but cannot register new domain names).

7.1 Questions on sanctions

Question 8 Do you agree that there should be sanctions for failing to comply with the registrar agreement?

Question 9 If you agree that there should be sanctions what format do you think they should take:

- (a) Naming and shaming?
- (b) Financial penalties (fines)?
- (c) Suspension of the ability register domain names?
- (d) Withdrawal of the ability to register domain names?
- (e) Reduced functionality?
- (f) A scale of sanctions incorporating some or all of the above?

8. Enforcement

The effectiveness of a revised registrar agreement will depend on how well it is enforced. The costs of enforcement, together with the difficulties of making decisions on any qualitative factors, need to be balanced against the predicted benefits of the revisions.

8.1 When would enforcement take place?

Enforcement could take place in one or more of the following ways:

- At the outset we could check for compliance, or trust in declarations or proof provided by the applicant
- As the relationship progresses, we could actively seek out problems
- Once the relationship is in place we could provide a complaints procedure to investigate and decide upon complaints

8.2 Who would make decisions?

Compliance decisions could be made by:

1. A specialist support team within Nominet, or
2. A model based upon the current Dispute Resolution Service mechanism
3. An external decision maker

8.3 Our approach in other areas

For the most part, the volumes which we handle would make it impracticable and costly to go out looking for problems. In other areas of the business (eg cancellation for false contact details), our practice is to take a reactive approach and to respond to requests or complaints. However, applications to become registrars currently run at around 30 per month, and we currently undertake credit checks before processing applications.

In general, we try to avoid making qualitative decisions, but can add value by providing a forum for complaints to be handled particularly where those decisions have an element of subjectivity (e.g. Nominet's award winning Dispute Resolution Service). The Dispute Resolution Service has four stages: written submissions, informal mediation, a decision taken by an independent expert, and an appeal.

The advantage of the Dispute Resolution Service over a pure referral to an external decision maker, is that we are able to resolve many cases free of charge for users through mediation. The structure also sits well with Nominet's neutral position – we offer mediation and administration, but do not make decisions about other people's behaviour.

In contrast, our operational staff confidently check for compliance against objective criteria (e.g. in registrar change and transfer processes).

8.4 Proposals

Having considered the options, we believe that the most appropriate approach to enforcement is:

- At the outset, we should proactively check applications for new registrars against objective criteria (ie the proposals set out in section 6).
- Ongoing enforcement should be done on a reactive basis.

We would like your views on who should make decisions, as we believe that a system operated by our staff, or one modelled on the Dispute Resolution Service (ie mediation followed by an independent expert decision) could work.

8.5 Questions on enforcement

Question 10 Do you agree that we should proactively check applications for new registrars against objective criteria?

Question 11 Do you agree that ongoing enforcement should be done on a reactive basis?

Question 12 We would like your views on who should make decisions: Nominet's operations staff, or a system modelled on the Dispute Resolution Service.

9. Other options

9.1 Gold Standard

As part of the review we carried out of the current registrar agreement we considered whether we should introduce a "gold standard" registrar status. Gold standard registrars would be required to meet a further set of standards based criteria. The introduction of an additional standard would effectively produce a two tier registrar model.

The intention is that the gold standard would be achievable whatever the size or structure of the registrar's business.

The benefits of such a standard to registrars could include:

- The ability to differentiate their offering based on achievement of the standard
- The ability to perform a greater range of transactions on behalf of their customers (eg registrant transfers or cancellations)

One benefit to Nominet of such a standard could be reduced costs via reduced operational load. We also believe it would allow us to give end-users better information about the services offered by .uk registrars.

9.1.1 Possible requirements

If a gold standard were introduced, it would be based on the registrar achieving a higher than basic standard. Possible requirements could include having a published complaints procedure and keeping to rigorous transaction processing times.

9.1.2 Questions

Question 13 Do you think that Nominet should introduce a "gold standard" for registrars? If yes, what additional requirements should be made to achieve the standard?

Question 14 If so, do you think that “gold standard” registrars should be able to perform a greater range of transactions on behalf of their customers?

9.2 Voluntary code of practice

The internet industry is much bigger than just Nominet, and the services provided by registrars are wider than just domain name registrations.

At present, UK end users are faced with a number of voluntary or statutory alternatives if they have an “internet” problem. Each body deals with a narrow range of issues. This can be confusing and frustrating for end users.

Whilst there is no proven need to replace existing arrangements, arguably more could be done by way of coordination, and provision of information to end users about where to take complaints.

9.2.1 Proposal

Nominet believes that it would benefit end users and the community if we took a proactive role in bringing industry players together either to offer a unified voluntary code of practice in the UK, or to provide better access to existing systems for end users.

9.2.2 Questions

Question 15 Do you think that end-users are well served by existing complaints systems, or codes of practice?

Question 16 Do you agree that Nominet could usefully perform a role in bringing together industry players to further develop voluntary codes of practice?

10. Summary - Our questions to you

10.1 General questions

Question 1 Do you agree that .uk registrars should have to demonstrate a basic level of relevant skill and competence?

Question 2 Do you agree that registrars should have obligations to keep data accurate and up to date?

Question 3 Do you agree that registrars should have to publish accurate information about fees?

Question 4 Do you agree that registrars should publish the method, cost and availability of customer service?

Question 5 Do you agree that customers should have access to information on how long their registrar will take to make changes to their domain name?

Question 6 Do you agree that it is important that the relationship between the registrar and Nominet is accurately represented?

Question 7 Do you agree that Nominet should improve clarity and transparency of the requirements in the registrar agreement?

Question 9 If you agree that there should be sanctions what format do you think they should take:
(a) Naming and shaming?
(b) Financial penalties (fines)?
(c) Suspension of the ability register domain names?
(d) Withdrawal of the ability to register domain names?
(e) Reduced functionality?

- Question 10 Do you agree that we should proactively check applications for new registrars against objective criteria?
- Question 11 Do you agree that ongoing enforcement should be done on a reactive basis?
- Question 12 We would like your views on who should make decisions: Nominet's operations staff, or a system modelled on the Dispute Resolution Service.
- Question 13 Do you think that Nominet should introduce a "gold standard" for registrars? ? If yes, what additional requirements should be made to achieve the standard?
- Question 14 If so, do you think that "gold standard" registrars should be able to perform a greater range of transactions on behalf of their customers?
- Question 15 Do you think that end-users are well served by existing complaints systems, or codes of practice?
- Question 16 Do you agree that Nominet could usefully perform a role in bringing together industry players to further develop voluntary codes of practice

10.2 Our questions in full

Registrar contract

- Question 1 Do you agree that .uk registrars should have to demonstrate a basic level of relevant skill and competence?
- Question 1a Do you agree that we should assess the basic technical knowledge of registrars?
- Question 1b Do you agree that we should test registrars' awareness of the key business processes involved in the registration and maintenance of .uk domain names?
- Question 1c Do you agree that the tests should be applied both to new and existing registrars?
- Question 2 Do you agree that registrars should have obligations to keep data accurate and up to date?
- Question 2a Do you agree that registrars should not knowingly give us inaccurate data?
- Question 2b Do you agree that registrars should correct our records if they become aware that the data we have is inaccurate?
- Question 2c Do you agree that registrars should be required to use the WHOIS opt-out facility responsibly, and not to make it available to consumers who are not eligible?
- Question 2d Do you agree that registrars should be required to ensure that domain names are only registered in the name of someone other than the registrant (including the registrar's name) with the registrant's prior consent?
- Question 3 Do you agree that registrars should have to publish accurate information about fees?
- Question 3a Do you agree registrars should have to publish the fees associated with .uk domain name registration, renewal and maintenance?

- Question 3b Do you agree registrars should have to publish details of how they will inform their customers of changes to their fees?
- Question 4 Do you agree that registrars should publish the method, cost and availability of customer service?
- Question 4a Do you agree that registrars should be required to publish details of the time, the type, availability and cost of customer support and at all reasonable times must meet the advertised service level?
- Question 4b Do you agree that, so far as possible, a registrar should not cause a disproportionate burden on Nominet's support service as a result of the level of support that they provide?
- Question 5 Do you agree that customers should have access to information on how long their registrar will take to make changes to their domain name?
- Question 5a Do you agree that a clear explanation of the relevant service and how it can be invoked together with details of the time the registrar takes (specified in hours or days) to carry out the service should be clearly displayed on a publicly accessible area of the registrar's web site.
- Question 5b Do you agree that at all reasonable times, the registrar must comply with the time scales published on their web site/business literature?
- Question 5c Do you think we should go further and set a maximum timescale in which the various types of updates must be made?
- Question 6 Do you agree that it is important that the relationship between the registrar and Nominet is accurately represented?
- Question 6a Do you agree that registrars should be required to publish a brief and accurate description of who Nominet is and the relationship between the registrar, Nominet and the registrant?
- Question 6b Do you agree that registrars should be required to publish an explanation that An explanation that register a .uk domain name means entering into a contract with Nominet, and accepting our contractual terms?
- Question 6c Do you agree that registrars should be required to publish clear links to our contractual terms upfront?
- Question 7 Do you agree that Nominet should improve clarity and transparency of the requirements in the registrar agreement?

Sanctions

- Question 8 Do you agree that there should be sanctions for failing to comply with the registrar agreement?
- Question 9 If you agree that there should be sanctions what format do you think they should take:
(f) Naming and shaming?
(g) Financial penalties (fines)?
(h) Suspension of the ability register domain names?

- (i) Withdrawal of the ability to register domain names?
- (j) Reduced functionality?

Enforcement

- Question 10 Do you agree that we should proactively check applications for new registrars against objective criteria?
- Question 11 Do you agree that ongoing enforcement should be done on a reactive basis?
- Question 12 We would like your views on who should make decisions: Nominet's operations staff, or a system modelled on the Dispute Resolution Service.

Gold Standard

- Question 13 Do you think that Nominet should introduce a "gold standard" for registrars? ? If yes, what additional requirements should be made to achieve the standard?
- Question 14 If so, do you think that "gold standard" registrars should be able to perform a greater range of transactions on behalf of their customers?

Voluntary Code of Practice

- Question 15 Do you think that end-users are well served by existing complaints systems, or codes of practice?
- Question 16 Do you agree that Nominet could usefully perform a role in bringing together industry players to further develop voluntary codes of practice?

Appendix A

1. Stakeholder feedback

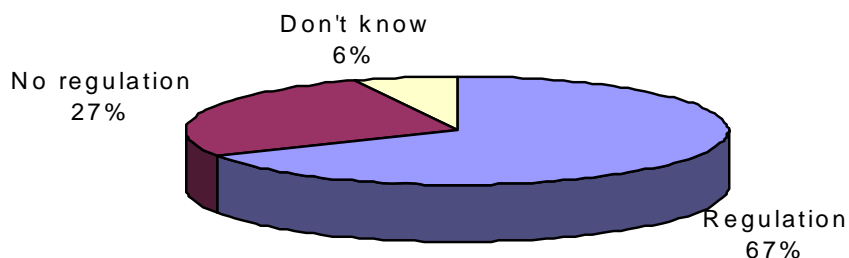
1.1 Learning from our customers (registrars)

In December 2004 we carried out a survey of our registrars, across a range of issues. Two questions were relevant to this consultation:

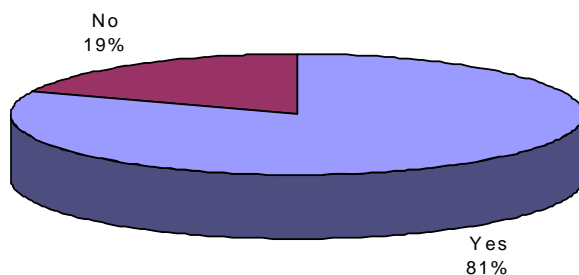
1.1.1 Industry regulation

What we asked:

1. Do you think Internet users would like to see regulation of the domain name industry?



2. Do you think Nominet should change the way it allocates tags? - by establishing a code of conduct?



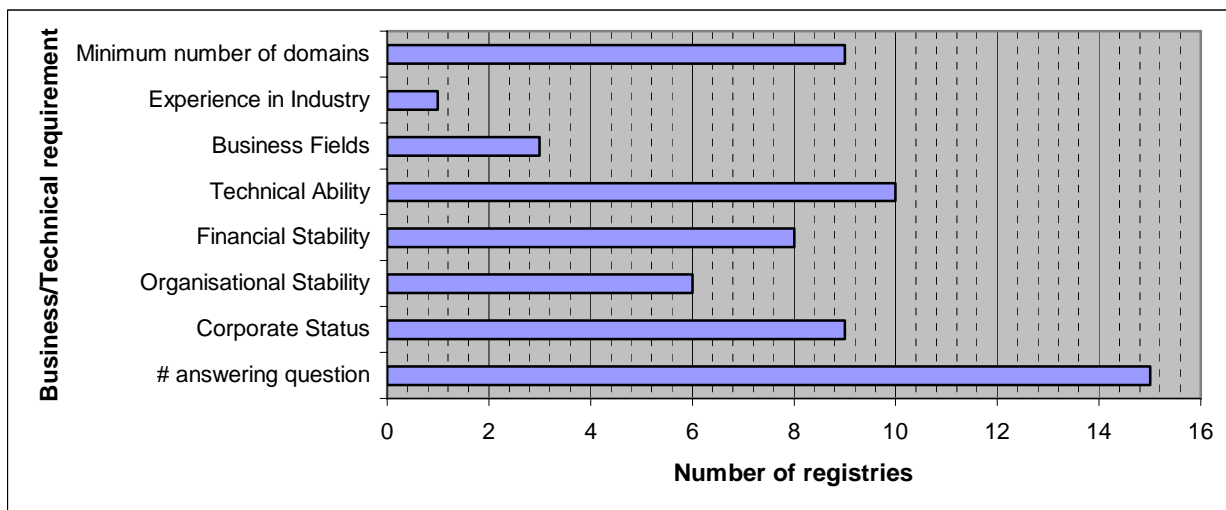
What we learned:

- The majority of registrars think that Internet users would like to see greater regulation of the Internet.
- The majority of registrars think that Nominet should change the way we allocate access to our systems by establishing a code of conduct amongst registrars.

1.2 Learning from other Registries

1.2.1 Requirements for registrars

What we asked: registries were asked whether registrars had to satisfy any requirements in order to register in their domain.



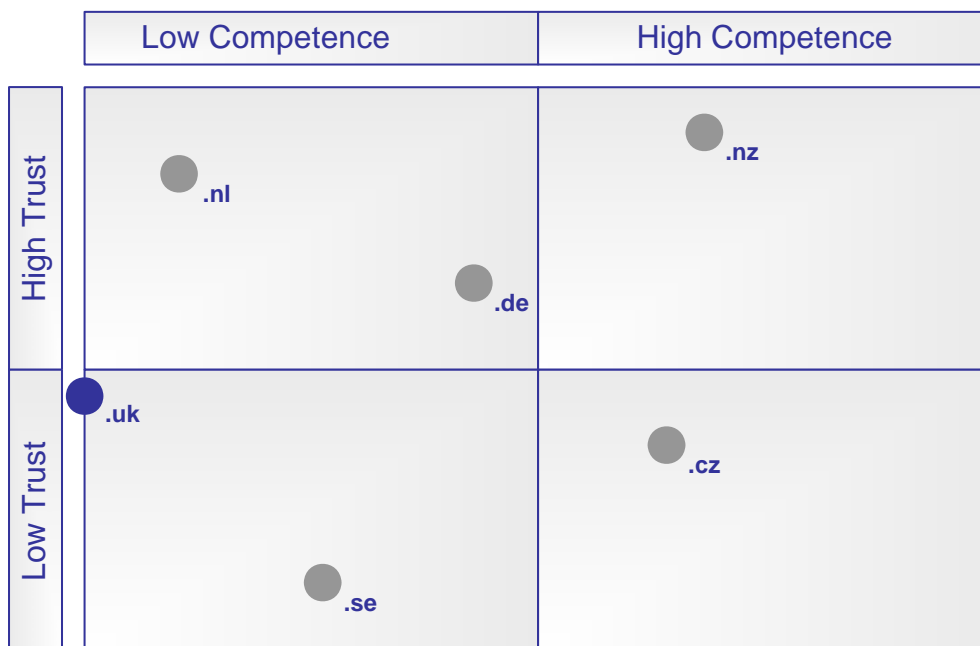
What we learned:

- The wider industry applies a number of requirements
- Few factors (financial stability and technical) significantly benefit the customer.

1.2.2 Link between competence and trust?

What we asked:

We asked registries what competencies they required their registrars to demonstrate, and also what transactions they allowed their registrars to perform (eg transfers, changes between ISPs etc).



What we learned:

- We are the only registry which does not require our registrars to demonstrate *any* competence
- Other, successful, registries (eg the Dutch and German registries) don't impose strict requirements on their registrars, but allow them to perform more transactions on behalf of their customers.