

POLICY ADVISORY BOARD REPORT
ST JAMES'S SQUARE, LONDON, SW1Y
13 July 2005
MEETING 39

Those present:

Tom Adams	Appointed Member - Cabinet Office (e-Government Unit)
Denesh Bhabuta	Elected Member
Alex Bligh	Appointed Member - Nominet Board
James Conaghan	Elected Member
Susan Daley	Appointed Member - CBI
Gordon Dick	Appointed Member - Nominet Board
Jason Johns	Elected Member
Alex Kells	Elected Member
Sebastien Lahtinen	Elected Member (Chair)
Hazel Pegg	Elected Member
Eric Ramage	Appointed Member - ITMA

From Nominet by invitation of the PAB:

Gareth Cook, Communications Executive
Jay Daley, Director of IT
Emily Taylor, Company Secretary and Director of Legal and Policy

1. Welcome and apologies

Apologies were received from Geoff Smith.

2. Approval of May meeting report

The May meeting report was approved unanimously.

3. Feedback from Board on PAB recommendations

There were no comments on the paper.

4. Status report on PAB work items

James Conaghan asked whether deadlines for projects could be put on the report. He was particularly concerned about there being a deadline for the completion of the corporate governance review. Hazel Pegg commented that she had raised the issue of the deadline for governance review at the Nominet AGM and had been assured by the Board that the work would be completed before next year's AGM. Alex Bligh and Gordon Dick reiterated that they had also been frustrated that the completion of the review had been delayed but emphasised the Board's determination to complete the project as quickly as possible.

Emily Taylor explained that the status report paper included some items that had been on it for some time. Before the next PAB meeting any completed items and those included in other project plans would be removed from the report. This would make the report more informative as it will only include the open actions.

5. Working Groups Update

Sebastien Lahtinen reported on the progress of the working groups.

He explained that the Internationalised Domain Names group's paper had now been adapted into a consultation document and that there had been several responses so far. James Conaghan commented that it was encouraging to see that many of the responses had come from registrants. Tom Adams asked if there had been evidence of a significant response from the Welsh and Gaelic communities. James Conaghan replied that there had been one or two responses referring to the use of Welsh characters.

There had been no further progress with the Lock State group and Alex Bligh suggested that the group probably needed to be rechartered to look at which domain name fields tag holders should be able to alter. This would generate more interest in the topic from a wider group of participants. Sebastien Lahtinen suggested that the group needed someone to chair it who had the time to push the issue and get responses from tag holders. Hazel Pegg offered to do this, if required, from September. It was suggested that Hazel get in touch with James Cronin, the current group chair, before the September meeting and that a decision could be made at that meeting about the best way forwards for rechartering the group.

Sebastien Lahtinen reported that as chair of the .net.uk group he had been working on a paper with some help from Jason Johns which would hopefully be completed before the September PAB meeting.

6. PAB attendance at Nominet lunches

Sebastien Lahtinen explained that the PAB had recently been trying to ensure that at least one PAB member attended each of the Nominet lunches, in order to meet with members and provide useful feedback. Hazel Pegg had attended the Bristol lunch in March and written a report from the meeting that the Nominet executive and PAB had found very useful. Sebastien said that it would be helpful if all PAB members who attended the lunches could write a report. Sebastien confirmed that Alex Kells and Jason Johns would be attending the London lunch in September, and that he would be attending the Manchester lunch in October.

Denesh Bhabuta suggested that as the input from PAB members at these meetings seemed helpful that Nominet should consider paying the travel expenses for PAB members to attend. Emily Taylor said this was a fair point and she would raise it with the Executive.

Susan Daley said that it would be useful to have some indication of what topics discussed at these events were then being brought to the PAB as policy issues.

7. Appointment of replacement for Dr Willie Black

Sebastien Lahtinen explained that Willie Black had been elected to the PAB and had then resigned for personal reasons. He explained that the PAB rules allow the PAB the option of appointing a replacement for the remainder of the PAB year until the next PAB election in February/March 2006, and the person chosen does not need to have stood in the election.

Nominet had asked for interested parties to contact Sebastien Lahtinen and eight people had indicated that they were prepared to stand, including four candidates from the recent election.

Sebastien explained that there were four main options for the PAB to consider:

1. Leave the position vacant
2. Appoint the person who would have been elected if Willie Black had not stood in the election and all the second preference votes were redistributed
3. Appoint the person who would have been elected if there were 5 seats rather than 4 seats available in the election
4. Appoint a specific person from the list

Alex Bligh pointed out that the PAB could appoint anyone and therefore did not need to solely focus on options 2 and 3.

There was a lengthy discussion about the merits of the various options. A number of people felt that the PAB would benefit more from a member who had previous PAB experience, since there were only four meetings left in the current PAB year and it would be difficult for someone new to get up to speed in time, before being required to stand for election again.

Sebastien Lahtinen had circulated information about the eight people who had said they were prepared to stand, and there was a discussion about all of the potential candidates.

Susan Daley suggested that the votes cast in the election should not be discounted and it may be a good option to select the person who would have been elected next. It was noted that it would be impossible to be sure from the data available how the votes would have been cast if Willie Black had not stood in the election, as he took such a large proportion of the first round vote. The PAB was reluctant to ask Electoral Reform Services to recalculate the results before making its decision to avoid further delays.

Sebastien Lahtinen noted that as whoever was appointed would have to stand for re-election next year, it would mean that the next election would include five candidates, and then the following election would include three candidates. He suggested that the PAB rules might need to be changed to solve this problem. Alex Bligh advised that this situation had arisen before within the Council of Management and in that case candidates due to stand for re-election had drawn lots to establish which one of them would drop out and not stand. Denesh Bhabuta and Sebastien Lahtinen agreed that this would be a sensible solution.

Within the meeting there was a lot of support for Clive Feather and Ben Laurie, both previous PAB members. It was noted that Clive in particular had always been very active on the PAB, both as chair of the IDN working group and on various PAB subcommittees in the past. His willingness to commit time to the working group after having left the PAB was also noted.

It was agreed that it was not a good option to leave the position vacant, as that would leave the PAB short-handed for the remainder of the year. The general opinion was in favour of appointing Clive Feather.

Resolution

The PAB resolved to appoint Clive Feather to fill the seat left vacant following Willie Black's resignation as an elected member until the next PAB election in 2006.

8. Review of Appointed Organisations

Emily Taylor reported that the All Parliamentary Internet Group had reformed and that the Earl of Errol was interested in representing APIG on the PAB although he has not yet formally confirmed this. Tom Adams and Susan Daley suggested that he would be a good asset on the PAB as he is involved with a lot of e-business issues and regularly asks internet-related questions in the House of Lords.

Emily reported that she had approached several organisations from the consumers/small business sector, including Which, National Consumer Council, National Consumer Federation, and Small Business Service, but she had not met with much interest from most of these.

Susan Daley mentioned that she had a contact within the Federation of Small Businesses. Alex Bligh suggested considering someone from the new UK branch of the EFF who are concerned with supporting the rights on individuals in cyberspace.

Tom Adams mentioned that the NGOs he had spoken to were all interested in internet content rather than the infrastructure and were therefore not willing to participate.

James Conaghan mentioned that he had spoken with someone from the Oxford Internet Institute and was disappointed that they did not seem interested. He suggested that an academic institution would be a useful representative due to the research that they carry out.

The PAB agreed that Emily should continue to look for a representative from the consumers/small business sector and from academic institutions.

9. Feedback from the AGM

Sebastien Lahtinen mentioned that a couple of issues had been raised at the AGM about the apparent 'unfairness' of the Dispute Resolution Service. Some people felt that since the DRS fee did not have to be paid until such a time as a response to a complaint had to be submitted, it was possible for the complainant to drop the case (and therefore avoid paying any fee) having realised they would not be successful. The respondent would still however in most cases feel obliged to respond to protect their domain name which is time consuming and/or costly. Also, there were questions about the fairness of allowing a complainant two submissions whilst the respondent is only allowed one.

Emily Taylor explained that it is not true that the respondent has no opportunity to respond and Section 13(b) of the DRS Procedure and the DRS Help on the Nominet website outline with the non-standard submissions that are allowed.

Emily Taylor explained that she had spoken to the members who had raised this issue at last year's AGM, and had encouraged them to respond to the DRS consultation that was running at that time.

Emily stated that small businesses who are not legally represented find the DRS really attractive and for them there is no other forum to resolve their dispute because the Courts are too expensive and time-consuming. She encouraged members to keep giving Nominet feedback so that the service can be continually improved.

Sebastien said that he had asked those who had raised these concerns to send him more details.

11. Interface Changes (this item was discussed before item 10)

As with the paper at item 10 on the agenda, this paper suggested that the PAB agree a set of policy principles in relation to interface changes. This would then mean that any further changes would not need to be referred to the PAB every time, unless there was a clear policy implication.

It was felt that this item was very closely linked to the issue about the Automaton AUP and as a result it ended up being discussed in detail first.

A number of PAB members felt concerned about this proposal as they felt it could cut the PAB out of policy decisions, as even some of these operational matters could be argue to contain policy decisions. Other members explained that it was more appropriate for these matters to be discussed using operational working groups, as they received far more participation and involvement. By contrast, consulting with the PAB adds unnecessary delays to the process which Nominet members are keen to avoid. Jason Johns suggested a standing PAB subcommittee with a remit to keep an eye on these policy topics, but it was suggested that interested PAB members joining the working groups would be sufficient and more effective. Sebastien Lahtinen stated that it was always possible for a PAB member to raise any future concerns on specific policy issues at a PAB meeting.

Resolution

The PAB resolved to recommend to the Board that it should no longer bring proposals containing interface changes to the PAB unless they risk having significant policy implications, and instead request the Executive to publish these and consult with tag holders.

10. Automaton Acceptable Use Policy

Jay Daley briefly outlined the proposal regarding the principles that he was asking the PAB to agree to on the Automaton Acceptable Use Policy. The PAB felt that the principles set out were appropriate.

Alex Bligh suggested that it might be helpful to refer to 'acceptable use mechanisms' to cover the operational rules rather than 'Acceptable Use Policy', to make a distinction between this, and policy matters which remained within the PAB's remit.

Resolution

The PAB resolved to recommend to the Board that it adopts the policy principles for acceptable use of the Automaton (and related systems and processes) contained in the paper presented to the PAB. The PAB further resolved to recommend to the Board that, consistent with the PAB's recommended policy under agenda item 11, the development and implementation of acceptable use mechanisms corresponding with these policy principles is carried out by the Executive without further consultation with the PAB, on the understanding that any changes to systems or processes are properly documented and communicated to (and where appropriate consulted upon) with tag holders.

12. Matters arising from nom-steer and pab-suggest

There were no matters arising.

13. Urgent Business

Susan Daley advised that MP Tom Harris was bringing a bill to the House of Commons which will amend the Computer Misuse Act to clarify the rules regarding denial of service attacks. Susan suggested that the PAB might like to invite Mr Harris to speak in more detail about the bill at the September PAB meeting.

Alex Bligh advised the PAB about the recent US Government statement which stated that it would maintain its historic role in authorizing changes or modifications to the authoritative root zone file which will probably involve reducing the authority of ICANN.

14. Date of Next Meeting

The next meeting will be held on Wednesday 14 September 2005.