

POLICY ADVISORY BOARD REPORT  
ST JAMES'S SQUARE, LONDON, SW1Y  
11 May 2005  
MEETING 38

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  
James Cronin Elected Member  
Gordon Dick Appointed Member - Nominet Board  
Jason Johns Elected Member  
Sebastien Lahtinen Elected Member (Chair)  
Alex Kells Elected Member  
Hazel Pegg Elected Member  
Geoff Smith Appointed Member - DTI

From Nominet by invitation of the PAB:

Gareth Cook, Communications Executive  
Lesley Cowley, Chief Executive  
Bob Gilbert, Chairman  
Emily Taylor, Company Secretary and Director of Legal and Policy  
[Dawn Parr, Hill & Knowlton]

#### 1. Welcome and apologies

Apologies were received from Willie Black and Eric Ramage.

Sebastien Lahtinen introduced Bob Gilbert, the new Nominet Chairman as well as Jason Johns who was elected to the PAB in April. He also welcomed Geoff Smith from the DTI to the meeting. Emily Taylor introduced Dawn Parr to the PAB, who was attending as an observer from Hill & Knowlton (Nominet's public affairs advisors).

Sebastien Lahtinen reported that Clive Feather who had served on the PAB for many years was not re-elected at the recent PAB elections. He also explained that Michael Duggan was moving to a new role within the DTI and that Brian White MP had not been returned to Parliament at the recent General Election. The PAB thanked all three for their service to the PAB.

#### 2. Election of PAB Chair

Sebastien Lahtinen stated that he was keen to continue as PAB Chair and asked if any other PAB members wished to be considered for the job. He was duly elected.

Resolution

The PAB resolved to re-elect Sebastien Lahtinen as PAB chair.

#### 3. Approval of March meeting report

The March meeting report was approved unanimously.

#### 4. Feedback from Board on PAB recommendations

Emily Taylor talked through the Board's feedback on the resolutions from the previous PAB meeting.

The Board had asked for clarification in relation to item 5 on the agenda (the report from the Registration Periods Working Group) as to whether the PAB wished to extend the functionality beyond new registrations to include all domain name renewals.

##### Resolution

The PAB resolved to clarify its recommendation to the Board from item 5 of the 37th meeting of the PAB concerning the report of the Registration Periods Working Group such that the functionality described should be extended to all renewals.

#### 5. Working Groups Update

Sebastien Lahtinen reported on the progress of the working groups. He stated that the .net.uk working group had started to address the issues but due to other commitments he had not been able to start writing a report. He expected to provide an update to the next PAB meeting. He added that although no longer a member of the PAB, Clive Feather had offered to continue to chair the Internationalised Domain Names working group and that it was in the process of agreeing a consultation document with Nominet on the issue. James Cronin explained that he had been unable to move the Lock State group forwards and James Conaghan offered to help him with the group, and in particular to try and establish how much interest there was in the topic amongst members and tag holders, as there had been very few posts to the group's mailing list so far.

Lesley Cowley reported that she had held a useful meeting with the working group chairs after the previous PAB meeting and that they had discussed a number of ways to encourage participation in the groups and develop the way that they worked. Suggestions included inviting people who had previously responded to Nominet consultations to join working groups, limiting the number of working groups and focussing them on controversial issues to increase participation, Nominet providing administrative support for the groups, and the chairs regularly posting to the mailing lists to encourage more discussion.

Sebastien Lahtinen also advised that since Peter Gradwell had left the PAB there was a vacancy for chair of the Working Group Subcommittee.

##### Resolution

The PAB resolved to appoint James Cronin as chair of the Working Group Subcommittee.

#### 6. Amendment to WHOIS output

Emily Taylor introduced this paper that proposed a small change to the WHOIS output to include the 'registrant type'. Nominet had received a number of requests from stakeholders, including the DTI to provide more information on the WHOIS about registrants in order to help consumers and businesses using the Internet for online purchasing.

Some PAB members expressed concerns that it should be made clear that Nominet had not verified the information on the WHOIS. It was suggested that Nominet may wish to consider looking at whether this should be mentioned on the web page which is mentioned on WHOIS output.

##### Resolution

The PAB resolved to recommend to the Board that the 'WHOIS' output be changed to display the registrant type and, where appropriate, the associated identifying number; this change is only to be made after the full details of the change have been published and sufficient time given to tag holders to change their systems.

#### 7. Database Restructuring Operational Working Group Report

Emily Taylor introduced the report on the data restructuring produced by the operational working group, which was provided to the PAB for information only.

Alex Kells asked if there was a timescale for the data restructuring to be completed and Emily Taylor explained that the database restructuring project was ongoing, and due for completion by the third quarter of 2005.

#### 8. Review of Appointed Organisations

As is usual at the first meeting after the PAB elections, the PAB discussed the appointed organisations that are represented. As there had been no representative from the British Chambers of Commerce able to attend meetings over the past year it was suggested that they may be replaced by a body representing consumers if an appropriate one could be found, although this has proved difficult in the past.

A discussion followed during which a number of other potential appointed organisations were suggested, including a body from the voluntary sector such as the Charities Commission, the Citizens Advice Bureau and an organisation to represent the small business community. It was felt that it was important that appointed organisations could send representatives who would be able to regularly attend and contribute to meetings.

It was suggested that the executive should approach organisations from all the sectors suggested to see if they were interested in sending representatives and that the PAB could then consider which would be the most appropriate at the next meeting.

Lesley Cowley stated that the executive were keen to continue to have a representative from the All Parliamentary Internet Group, as Brian White's contributions and links back to APIG had been very beneficial. Nominet would be contacting APIG (when it re-forms following the election) to ask them to send a new representative to replace Brian, who had not been re-elected as an MP.

#### Resolution

The PAB resolved to recommend to the Board that the appointment of the British Chambers of Commerce to the PAB be replaced by the appointment of a consumer focused, small business focused, or voluntary sector based organisation, and requested that the executive find candidate organisations who are willing to serve on the PAB and present a list to the next PAB meeting.

#### 9. Child pornography allegations in .uk

At the previous PAB meeting this paper had been discussed but there was one section that there had not been time to cover in detail. This particularly concerned the options for dealing with cases involving an innocent or ambiguous domain name connected to illegal content. It was felt that it would be difficult to expect Nominet to investigate the use of such 'ambiguous' domain names.

During the discussion a number of different views were expressed. The PAB reviewed its recommendations on this topic, which had been made at the previous meeting.

Having discussed the matter fully, the consensus view was that issues of content presented a number of complexities which Nominet was not in a position to resolve satisfactorily.

Therefore the PAB concluded that Nominet's policy should not extend to cancellation of names in circumstances where the domain name was innocent or ambiguous, but connected with content that may be illegal in the UK. It was strongly felt that the correct policy for dealing with illegal content was that it should be handled by appropriate investigation and enforcement bodies, and whilst we should provide such bodies with all due cooperation, Nominet is not such a body. It was therefore suggested that if Nominet had reports of such domain names from a third party, they would pass them onto an appropriate body (such as the IWF, the police etc).

However, the PAB reaffirmed its strong view that Nominet should take appropriate action with regard to domain names which in themselves are illegal, and those connected to false contact details, and should continue to monitor the issue closely, as well as maintain dialogue and exchange information with the relevant authorities.

#### Resolution

The PAB resolved to recommend to the Board that the executive should apply procedures for cancellation of domain names for false contact details quickly in cases where Nominet is informed by a competent authority that the domain name in question is associated with child pornography.

The PAB noted its prior advice that Nominet should cancel domain names the maintenance on the register of which, having legal advice, appear to Nominet would be likely to result in criminal liability; and further noted Nominet's existing policy of cancelling any domain name if so required by receipt of an order of a court of competent jurisdiction; and resolved to recommend to the Board that where allegations of child pornography associated with a domain name were received by Nominet, and where maintenance of such a domain name did not result in criminal liability of Nominet, and where such a court order was not present, the correct course of action for Nominet would be to refer any such allegations to the IWF and/or competent law enforcement authorities.

The PAB further resolved to keep a watching brief on this issue, and to proactively liaise with parliamentarians and the appropriate government departments, in particular the Home Office, to attempt to ensure any further legislation is appropriately framed.

#### 10. Nominet Strategy 2005/6 to 2007/8

Lesley Cowley gave a presentation to the PAB outlining the Nominet's strategy for the next 3 years.

This would form the basis for the presentation given to members and tag holders at the AGM on 6 July. The presentation was followed by questions.

#### 11. AGM

Sebastien Lahtinen explained that the PAB needed to agree what involvement they should have at Nominet's AGM and what format their input should take. A number of PAB members indicated they will be attending the AGM.

Lesley Cowley advised that the PAB Chair usually gives a presentation outlining the key topics the PAB has discussed during the year and suggests work topics for the coming year, to which Nominet members can add their own suggestions. This has in the past been followed by a series of workshops on topics of interest led by PAB members.

There was a discussion about whether the PAB should present workshops at the AGM or perhaps do this at the Internet industry day that Nominet is arranging for October. The consensus appeared to be that the PAB should take an active role at both events.

James Conaghan suggested that it would be a good idea to explain what the Policy Advisory Board does, as the feedback from the recent member and tag holder survey suggested that there were a lot of people who did not really know or understand the PAB's role within Nominet.

Sebastien Lahtinen asked bearing in mind the type and number of people expected to attend the AGM as compared to the industry day later in the year, whether it would be sufficient to hold a brief presentation about the PAB and what it does, and use the lunch which follows as an opportunity to talk to members who are attending. The PAB agreed this would be sufficient.

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

James Conaghan and Alex Bligh raised the issue that had previously been discussed on nom-steer about cases where a domain name has been registered to a person who is no longer contactable and is cancelled by Nominet because of incorrect contact details, but the domain name is being used by someone else other than the registrant who subsequently loses use of the name when it is registered by another party under the first-come-first-served system. It was suggested that the Board should consider allowing some flexibility in such cases.

#### Resolution

The PAB resolved to recommend that the Board that it present to the PAB a review of its current policy regarding situations where (a) a domain name has been registered by one party, (b) it has been in the exclusive use of a second party, (c) current policy would require the domain name to be suspended or cancelled, (d) the second party can adduce evidence that the domain name was originally meant to be registered in its own name, and (e) no party contests this.

#### 13. Urgent Business

There was no urgent business.

#### 14. Date of Next Meeting

The next meeting will be held on Wednesday 13 July 2005.