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REPORT FROM THE PAB SUBCOMMITTEE ON NET.UK

A PAB Subcommittee to discuss the net.uk SLD met at Nominet's Offices on 13th August 2002.

Clive Feather was in the Chair with Denesh Bhabuta and Peter Gradwell present. Eleanor Bradley (Nominet Operations Director) was in attendance.

Peter Gradwell prepared this minute of the meeting. The Chair expresses his gratitude to Peter for preparing this report.

INTRODUCTION

We accepted that there is dissatisfaction with the net.uk SLD (Second Level Domain), both from the points of view of applicants and of Nominet. Reasons for dissatisfaction cited to us include:

- The corresponding gTLD (**.net**) doesn't restrict applicants.
- The guidelines are not well specified (e.g. what *is* an ISP?).
- The guidelines are unfair (e.g. the requirement to be an LIR or have an ASN discriminates against lower-tier network operators).
- The guidelines take a lot of effort to enforce (applications have to be vetted by hand).
- Subsequent use of a domain name (after registration) does not always adhere to the guidelines (allegedly some **net.uk** names are being used in ways not permitted by RFC 1591).
- The SLD is under-utilised and more use should be made of it.

Following from Clive's introductory paper (<http://www.davros.org/temp/nominet/net.uk.html>) we agreed that there were 5 possible things that could be done:

1. Do nothing.
2. Close the SLD to new registrations:
 - a. Cancelling all existing registrations immediately;
 - b. Cancelling all existing registrations at renewal or at some specific future date;
 - c. Allowing existing registrations to continue indefinitely.
3. Change it to an "open SLD" like **co.uk** or **.net**.
4. Amend the rules to counter some of the present problems while maintaining their spirit.
5. Amend the rules to give it a new purpose.

We also agreed that we should evaluate any change we were going to propose in line with the (currently suspended) policy (<http://www.nominet.org.uk/nominet/sldpolicy-save.html>) for the creation of new SLDs as, if this were a new application, that would be the procedure the PAB would apply.

PURPOSE & BENEFIT OF NET.UK

Firstly, we considered the purpose of the net.uk SLD. The PAB has previously defined the purpose of an SLD as being "to act as a mnemonic for the Domain Name System

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(DNS); to assist identifying the category of eligible registrants in the DNS and to facilitate the location of Internet resources”.

We believe that the original intention of the net.uk SLD was to assist Internet users in identifying “Internet Service Providers” (ISP) in the UK. Originally, there was a small and significant set of ISPs who owned “core infrastructure”.

Nowadays there are a great many companies who provide Computing and Internet related services on a wide variety of levels. We note that there are ISPs who own servers but not networks, there are ISPs who don’t own either and there are ISPs who own both.

We considered whether the distinction of a “physical ISP” (from a “virtual ISP”) is useful:

- Companies like Virgin and Tesco sell gas, electricity and Internet services amongst other things. They do not appear to physically operate many of those services. However, consumers would consider “Virgin” or “Tesco” to be their ISP and would not be interested in who actually executed the supply.

We felt that consumers did not generally make a distinction between their physical and virtual suppliers and therefore net.uk was not helpful to consumers.

We also considered whether “net” (either .net or net.uk) domains are useful in identifying ISPs:

- “Net” domain names have been used to permit the separate identification of customers from their ISPs. However, we now have customers of ISPs who are, recursively, ISPs themselves.
- Previously, one ISP might have “trusted” a communication if it came from a person with a “net” email address (i.e. they might also be an ISP). This can be useful in abuse & network negotiations.

However, there are now many ISPs who do not use a “net” domain and there are many non-ISPs who do use them. We believe that IP address databases (RIPE, ARIN, APNIC, etc.) are (a) more useful and (b) more widely used for identifying connectivity providers.

- There are approximately 540 net.uk domains. We presume there are a great many more ISPs in the UK; thus, the SLD is not a useful means of determining whether an organisation is an ISP.

We also considered whether there was an existing database of ISPs and our brief research leads us to believe that one does not exist. We note that The Electronic Commerce Directive (2000/31/EC) would appear to mean that there can be no licensing requirements for ISPs and therefore it is unlikely that a definitive register could ever exist.

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We felt that:

- We could not define the term, nor create or identify a list of, “Internet Service Providers”.
- The net.uk SLD was not particularly useful in terms of assisting Internet users in identifying resources.

DOING NOTHING

We firstly considered whether we should “do nothing” with the SLD and concluded that at the very least we believed that some of the existing rules were broken (e.g. the “legal entity rule” does not permit sole traders) and, if we wanted to maintain the existing rules but improve them, they should be fixed. We also believed that there might be scope for significant change. Thus, we concluded that the PAB should “do something” and we rejected this option.

CHANGING NET.UK TO BE COMPLETELY OPEN

One option would be to completely open up the net.uk SLD, such that it becomes the same as the co.uk SLD. We noted the Policy for the Creation of new SLDs, which states, “No SLD shall be created if its uses and functions are wholly or substantially encompassed by the charter of any single existing SLD”.

We also felt that making the domain completely open would expose Nominet to further Intellectual Property issues, similar to those experienced in the two-letter domain problem. We also felt that stakeholders would effectively be obliged to make protective registrations in net.uk, a scenario that we did not favour.

We were unable to see how an open net.uk would be different to co.uk or org.uk and we felt that it would directly contravene the no overlap principle. We therefore rejected this option.

TIDYING THE RULES OF NET.UK

We felt that if we wanted to keep the SLD open then it would be sensible to make minor “tidying” changes to the rules:

- The restriction of permitting only specific types of entities would appear to be redundant as the main terms and conditions now provide for the identification and type of the registrant.
- It is now practically impossible to define what an “Internet Service Provider” is.
- It might be possible to slightly broaden the entry criteria (e.g. membership of ISPA-UK might be a sensible alternative to the LIR/ASN requirement.)

However, we did not think that we could make sufficient minor changes to the net.uk rules that would solve the stated problems (this would require changes of scope and definition). Thus, we rejected this option.

CHANGING THE SCOPE AND DEFINITION OF NET.UK

Whilst we felt that net.uk is perhaps not a useful SLD, there is demand for it. The SLD is considered to have a certain cachet associated with it. We believe that this cachet arises because of the difficult application requirements and because it is only many of the

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“established” ISPs who have net.uk SLDs. Thus, aspiring applicants would like to “join the club”, but find they cannot do so, which thus increases the perceived value of the domain. However, we believe that the constituency of aspiring applicants is very small. Certainly, they would probably not be sufficient to justify a new SLD.

We considered the issue of why ISPs should have their own special SLD. We do not, for instance, provide an SLD for any other industry group (fish mongers, butchers, bakers, lawyers) and nor have we felt there to be a need from any of these, arguably much larger, constituencies.

We note rule 7 of the Policy for new SLDs: “A new SLD shall not normally be permitted where a new SLD with a wider charter would better serve the interests of the Internet Community.”

We felt that, as a new SLD application, it would be unlikely to have significant merit as an SLD to succeed. We therefore rejected this option.

CLOSING THE NET.UK SLD

Having evaluated a number of possible routes for the expansion of the net.uk SLD we concluded that closing the net.uk SLD to new registrations was the best option.

We reached this conclusion because:

- We see no value in the net.uk SLD as a means of identifying ISPs on the Internet.
- We are unable to define a suitable community for the net.uk SLD.
- We are not confident that it is appropriate for the “ISP” constituency to have its own SLD (nor whether we would call it “net.uk”).
- We are unable to make recommendations for changes to the rules that would provide solutions to the stated problems.

We felt that it would be contractually dangerous to cease the net.uk SLD “instantly”.

We also noted that Nominet does not have a policy of “cleaning” the name space and therefore we declined to consider whether domain names within the net.uk SLD should be deleted before they otherwise would have been.

We suggest that the PAB recommends to the CoM that:

- No further domain names be registered within the net.uk SLD;
- All existing net.uk domain names are brought within the current terms and conditions;
- All existing net.uk domain names are maintained in the register until such time as they might normally be removed (i.e. they are not renewed or are explicitly relinquished).

We invite the PAB to separately consider the issue of whether the .UK name space should be “cleaned” so that when SLDs are closed to new registrations, existing names in those SLDs are phased out so that the SLD can be removed.