

.me.uk Rules

Final version for information

1. Summary

The PAB recommended in August 2003 (Meeting 27) and again in April 2004 (Meeting 31) that the .me.uk Rules should be altered to restrict them to registration by individuals (i.e. humans). There was a public consultation from 21 May 2004 to 23 August 2004. The Board approved a final draft at its October meeting.

These changes are now being presented to the PAB for information only.

- The consultation summary document is attached for your information as Appendix A.
- The proposed final version of the .me.uk rules is also attached for information. The changes shown are between the final version and the consultation draft.

The Board approved this draft at its October meeting. The changes will have to be advertised on the website for 30 days before they can come into effect. They were put on the website on 25 October to come into force on 29 November 2004.

2. Anti-Avoidance

The PAB had requested that while 'use' should not be part of the Rules, some anti-avoidance be included in the .me.uk rules. The consultation draft included an attempt at doing this in a fairly strong way, but the consultation responses made it clear that it was not easy to interpret, and probably hard to enforce. Essentially it appeared that the 'abuse' that was envisaged was usually about 'use'. The Board therefore decided to revert to a clause which was wholly independent of 'use', although it is also much weaker. This forms Rule 9.2

Appendix A: Summary of responses

Question	Comment	Recommendation
<p>Question 1: What type of charter do you think the .me.uk SLD should have, and why?</p>	<p>Nominet did specifically say that you could register anything that you wanted to. This was probably a mistake and has led to a number of abusive registrations, as well as some funny ones. [.me.uk R1]</p> <p>[Yes] ... as that is what the vast majority of members thought they were voting for originally. [.me.uk R2]</p> <p>I like the idea of personal use name space and a charter requiring registration [There is a big difference between 'intended' for personal use and 'exclusively' for personal use because under new drafting (s 9.4) it] says that *any* use or benefit by any non qualifying person can cause the domain to put in to special status. If this is the intention then the charter should make this very clear. [.me.uk R3]</p> <p>Strong charter- otherwise it's yet another pointless domain like .biz, .info etc We have the weakly chartered .co.uk and .org.uk already, why do we need more? [me.uk R4]</p> <p>[Not sure that change is needed] [me.uk R6]</p>	<p>Summary: General support for the strong charter, but concern that the abuse provisions bring in a change by the back door i.e. a change from 'registrant to be an individual (not fronting for anyone else)' to 'registrant cannot have any commercial use of the domain at all even for their own purposes'.</p> <p>Recommendation: Adopt a strong charter for <i>.me.uk</i>, as proposed. The anti-abuse clause does change the charter, see recommendation re: question 4.</p>
<p>Question 2: Do you agree that the former Rule 9.3 (the DRS abuse terms) is unhelpful and/or will serve no purpose with a stronger charter? If not, do you agree that it should be moved to the DRS Policy or Procedure, for clarity, rather than being retained as a Rule?</p>	<p>[Moved to DRS]. [.me.uk R2]</p> <p>[DRS cannot work for .me.uk because]... A natural person does not have any right to a domain with their name. ... I see former rule 9.3 being irrelevant [.me.uk R3]</p> <p>Yes, definitely - it's a nightmare. ...[me.uk R4]</p> <p>I agree that the current rule 9.3 is unhelpful. [me.uk R6]</p>	<p>Summary: General agreement that current Rule 9.3 does not achieve much. If it is to be retained, it should be rewritten to make it clearer and moved to the DRS. In respect of the second comment, note that in DRS 00693 <i>tahirmohsan.co.uk</i> an individual was found to have rights in his name.</p> <p>Recommendation: Adopt draft from consultation document.</p>
<p>Question 3: Do you believe that 'use' should not be covered by the Rules, and any arguments as to 'use' should be dealt with under the DRS? If you disagree and think that 'use' should be covered by the Rules which 'uses' do you consider should be unacceptable and how would the potential problems outlined at paragraph 4.2 be dealt with?</p>	<p>"Use" should categorically not be covered by the rules. Nominet should not have to decide on the legitimacy of the "content" of a domain, whether that be web, email, ftp, news etc. That sort of thing is already covered by the IWF and the Law. [.me.uk R2]</p> <p>Defining "use" and particularly "benefit" is very difficult in any way. A domain is "used" by anyone sending email to a user on that domain or accessing a web page using that domain or many other ways and so such defining who uses a domain is</p>	<p>Summary: General agreement that use should not be part of the Rules, and that even if that was wanted, it would not be possible to enforce. In particular the vague meaning of 'use' highlighted.</p> <p>The answer to the point raised by R4 is that the Rules control what will be accepted for registration by the automaton, and the DRS controls the subsequent use it can be put to: breaches of the rules are not enforced via</p>

Question	Comment	Recommendation
	<p>many other ways and as such defining who uses a domain is complicated. [...] I think the rules need to cover enforceable objectives, such as the "registrant being a natural person" rather than trying to address usage. [.me.uk R3]</p> <p>How can use not be covered by the rules but be covered by the DRS? [...] Just because it's specified in the rules doesn't mean it has to be (or, indeed, can be) enforced at registration time, but it makes clear to a potential registrant what's allowed and what isn't. [.me.uk R4]</p> <p>I agree that use of a domain should not be covered by the rules, and should be left to the DRS. [.me.uk R6]</p> <p>Certainly there would appear to be an argument for allowing the use for trade, one name I registered was lecture.me.uk [from a university lecturer][.me.uk R7]</p>	<p>the DRS.</p> <p>The PAB had generally wanted use excluded, but had also wanted anti-avoidance provisions (see Question 4) which inevitably referred to use in some respect.</p> <p>Recommendation: Adopt proposals.</p>
<p>Question 4: Do you believe that the proposed wording of Rules 9.2, 9.3 and 9.4 is sufficient to act as 'anti-avoidance' wording? If not, what changes would you suggest?</p>	<p>[Yes] [.me.uk R2]</p> <p>"If you stick to enforceable rules, then there is no "anti avoidance" necessary. [...] Also, the wording of 9.4 is far to strong. [Explains that all .me.uk domains benefit Nominet and that a 3rd party business gets a benefit if they email a customer with a .me.uk domain so all .me.uk domains are, he argues, cancellable at will on that interpretation]. I am sure this is not the intention, ...but it is not good wording of the clause. ... Objecti[ve] A makes no mention of "use or benefit" of the domain - only the class of registrant. These changes are beyond the scope of the objectives. [.me.uk R3]</p> <p>Yes [.me.uk R4]</p> <p>9.2 should not just say "... shall not be recorded on the register as being the agent ..." but should say something like "... shall not be use the name, including but not limited to being recorded on the register, as the agent ...". In other words, it's the role that's banned, not just saying so. [.me.uk R5]</p> <p>I think that the proposed rule 9.4 is too strong. It's not clear what "the benefit of" a domain registration is, but it seems that the clause could easily prevent a me.uk registrant selling advertising space on a</p>	<p>Summary: This caused concern since it brings an element of interpretation and 'use'. The PAB had requested some sort of anti-avoidance provision. That can be done in a very narrow way as in the proposed Rule 9.3, or in a wider way as in the proposed Rule 9.4. However, the proposed 9.4 then opens the highly subjective question of what constitutes 'use', 'benefit' or 'on behalf of' (or any other synonym you chose) and placing that on Nominet staff. Rule 9.4 also creates an inequality in the transitional provisions.</p> <p>In respect of R5's comments, there is a significant difference between these two drafts. The first remains within Nominet's control as we only need to look at the register. In the second, Nominet could be required to look into cases where it was alleged that the registrant was 'fronting' for a third party, and cancel on that basis. That would lead to a cancellation based on investigation which is what Nominet has tried to move away from in most other cases (T&Cs on death, the DRS, etc.).</p> <p>Recommendation: Adopt proposed Rule 9.2 without</p>

Question	Comment	Recommendation
<p>Question 5: Do you agree that there should be no requirement for a .me.uk domain name registration to be "similar" or identical to the registrant's name? If not, and you think that there should be some similarity, please explain why; and how 'similarity' is to be objectively judged.</p>	<p>web site, for instance. [me.uk R6]</p> <p>Agrees. [.me.uk R2]</p> <p>No. Similarity to a name is again almost unenforceable and far too subjective. In addition - what is someone's name. It is any name they go by and use. As such someone can simply start using a different name and qualify for a domain. [...] People change names (particularly through marriage) and may wish to retain old well known email addresses. [.me.uk R3]</p> <p>Yes, reluctantly. However, see my answer to 7. [.me.uk R4]</p> <p>I agree: Requiring the use of "real-world" names for .me.uk domain names would be unduly limiting. Many people have on-line identifiers that differ from their real-life ones, and they should not be required to base their domain name on the latter. [.me.uk R6]</p>	<p>amendment and remove proposed Rule 9.4.</p> <p>Summary: Unanimous agreement that, as per consultation draft, no requirement for similarity be imposed.</p> <p>Recommendation: adopt consultation draft.</p>
<p>Question 6: If you do believe that there should be some requirement of similarity, at what stage (registration, or later complaint) do you see it being enforced, and what views do you have about dealing with the potential problems raised in paragraph 4.3?</p>	<p>Not practical [.me.uk R3]</p>	<p>Summary: Not relevant, given unanimous response to the previous question.</p>
<p>Question 7: Do you agree that companies should be able to hold a .me.uk registration if awarded it by a court or the DRS? If so, should they have freedom to use it like any other registrant, or be prevented from doing so, either as suggested in draft Rule 9.4 or otherwise? If not, what mechanisms would you propose to deal with a clash between a .me.uk registration and a trade mark?</p>	<p>I believe that a company should not be able to hold a .me.uk registration under any circumstances. [.me.uk R2]</p> <p>The main reason for getting a domain under DRS would be for a company that has a trademark holding a me.uk domain [Details the problem] I suspect the best answer is that the domain can be reserved / blacklisted in some way. ... not sure. [.me.uk R3]</p> <p>Yes. No they shouldn't be able to use it, it should just be unresolvable [but ...] For instance, I think it should be in the guidelines that ... William Henry Smith should be allowed to hold whsmith.co.uk over W.H.Smiths (the company), but Fred Brown shouldn't [.me.uk R4]</p> <p>If companies are banned from holding me.uk domain names in general, they shouldn't be able to get around this using the DRS. [Not sure if suspension is best], but ...marking the domain name as unavailable (either temporarily or permanently) ... [is] appropriate.</p>	<p>Summary: General agreement that companies should not be able to use .me.uk domain names, but more evenly split as to whether the registration should be put in the name of the company or reserved to some sort of non-existent registrant.</p> <p>Putting it in the name of the company rather than a non-registrant has two advantages: first, that if the use is abusive, the registration can be challenged under the DRS rather than just being 'lost' to the system for 2 years and second, that this is in line with our practice in other areas (where blacklisting has been resisted as the thin end of the wedge for all special interest groups to request that their names be blacklisted).</p> <p>Recommendation: adopt proposals from consultation draft.</p>

Question	Comment	Recommendation
<p>Question 8: Do you agree a company should be able to hold a .me.uk registration if the transfer to them is agreed as part of the mediation stage of the DRS? If not, please explain your reasons, and/or make alternative suggestions.</p>	<p>[me.uk R6]</p> <p>If a company wins a DRS case, the domain should be suspended until the end of it's registration period, under Rule 9.5 [me.uk R2]</p> <p>Again, the only real reason this should ever happen is that the company has a trademark. However, if this is allowed then it is a simply way for any company to get a me.uk domain and use it. Register it personally, raise a complaint, and agree to transfer under mediation, and bingo they legitimately hold a me.uk domain of their choice. So, I suspect it is a bad idea. [me.uk R3]</p> <p>No, I don't think they should be able to hold the domain as a result of DRS mediation. Maybe the domain should be removed from the name pool for the remainder of the registration period (or shorter) ... with a ban on the original registrant registering it again. [me.uk R4]</p> <p>I'd apply the same mechanism as for a full DRS complaint, and allow the parties to agree that the domain should be suspended. It might be best to require this to be temporary (say until the next renewal date) to prevent two people conspiring to lock up domains by registering them and then agreeing to suspend them. ... [me.uk R6]</p>	<p>Summary: As with previous question, general agreement that company should not be able to use domain gained through mediation, but unclear as to whether they should be the registrant at all. The responses indicate that they would not want the company to be able use this to obtain the domain and sidestep the Rules. Of course, DRS staff would be aware of each case and could (a) ensure that the suspension was imposed and (b) monitor how often this possible avoidance route was abused.</p> <p>Recommendation: adopt proposals in consultation draft but ask DRS staff to monitor how many cases use this route and determine whether it is being abused.</p>
<p>Question 9: Do you agree that the revised rules should be applied to existing .me.uk registrations, subject to transitional arrangements?</p>	<p>I don't see how it's possible to put any retrospective sections into the revised rules, or limit the use of domains already in use. [me.uk R1]</p> <p>Agrees. [me.uk R2]</p> <p>The transitional arrangements ... do not cover existing registrations where the registrant is a natural person. [me.uk R3]</p> <p>Yes. [me.uk R4]</p> <p>The transitional arrangements seem a little strange, and it would seem more sensible to me to apply them to _all_ me.uk domains already registered, until they are cancelled or transferred. I'm even a bit sceptical about enforcing the rules on transfers, since this would prevent (e.g.) transfers of existing domains within a group of companies. [me.uk R6]</p>	<p>Summary: Transitional arrangements should apply to all existing .me.uk domains, not just those registered to companies.</p> <p>Recommendation: see Question 10.</p>
<p>Question 10: Do you have any comments on the proposed Rules 9.6 or 9.7?</p>	<p>No. [me.uk R2]</p> <p>... 9.7 is incomplete [because it does not benefit individual</p>	<p>Summary: Transitional provisions have several anomalies: (a) they do not apply to individual registrants even those registrants may be currently be using them</p>

Question	Comment	Recommendation
	<p>registrants by protecting them from clause 9.4] could have an impact on my domains as some have some commercial benefit as well as personal use. I feel strongly that ... the transitional arrangements must be for any domain registered before the new rules came in to force ... If this is not the case then ... I should transfer the registrant of all my personal me.uk domains to my company prior to the new rules and leave them as the company... [.me.uk R3]</p> <p>No. [.me.uk R4]</p> <p>I think that to prevent a rush 9.7 should apply in modified form from the date the consultation was published. ... [me.uk R5]</p> <p>It's not clear to me why rule 9.6 is needed at all. [me.uk R6]</p> <p>It would appear to be a simple task to identify those domains which do not appear to be "names" as suggested in the proposal. (I appreciate it is more difficult to identify those where the registrant has registered another's name.) ... Perhaps NIC should consider offering to "buy back" for a period of time names that do not meet the proposed criteria. It appears to me there is nothing they can do in relation to issued names unless they lapse, without being in breach of contract.... [me.uk R7]</p>	<p>for purposes banned under the rules put to consultation or may be less valuable as a result of those changes; and (b) they only apply from the date of the rule change which allows a rush to register and moves to circumvent the changes.</p> <p>The exact date picked for the cut-off date should probably be before the new rules come into effect, but choosing the start of consultation (which will be 5-6 months before they come into effect) may be unduly onerous. The day that the new rules are posted on the website might be seen as 'fairer'. .me.uk registrations are running at about 1,800 per month.</p> <p>Rule 9.6 (.me.uk charging) is not needed and fees information should not be in the Rules anyway.</p> <p>Recommendation: Extend transitional arrangements to all .me.uk domains until next cancellation or transfer, but limit transition benefits to those domains registered/last transferred before the new rules are posted on the website (not the day they become effective, 30 days later). Remove 9.6 (me.uk charging) – if this needs to be covered, put it in the price list/fees policy.</p>

Key:

.me.uk R1	Colin Edwards, CE Consultants
.me.uk R2	Mark Healey, Hostmaster, East Yorkshire Division, Kingston Communications (HULL) PLC
.me.uk R3	Rev Adrian Kennard, Andrews & Arnold Ltd.
.me.uk R4	Paul Smith, PSCS
.me.uk R5	Clive Feather, Internet Expert, Demon Internet, Thus PLC
.me.uk R6	Ben Harris
.me.uk R7	Robert Mackay, Senior Lecturer, UCE School of Law

APPENDIX B: Final Rule 9 compared to consultation version

9. Specific rules for the .me.uk SLD

9.1. Introduction

These are the specific rules for the *.me.uk* SLD, administered directly by us. They form part of and, in the case of conflict, take precedence over the Rules.

9.2. Charter

The *.me.uk* SLD is intended to provide a personal namespace within the *.uk* Top Level Domain. Unless Rules 9.4 or 9.5 apply, registrants of *.me.uk* domain names must be, and remain at all times, natural persons (a "qualifying person"), and shall not be recorded on the register as being the agent, trustee, proxy or representative for any person or entity (whether having an individual legal personality or not) which is not a qualifying person.

9.3. No actions unless in accordance with the Charter

Unless Rules 9.4 or 9.5 apply, no registration, transfer, renewal or change may be requested to a *.me.uk* domain name which would be in breach of Rule 9.2, and any such request may be rejected. If, despite the previous sentence, such an action is requested and does occur, Nominet may reverse that action at any time in addition to any other rights Nominet may have by contract or otherwise.

9.4. Transfers to non-qualifying persons under the DRS or by the Courts

- 9.4.1. Where, as the result of the DRS or judicial proceedings (of relevant jurisdiction) a *.me.uk* domain name is to be transferred to a person who would not qualify under Rule 9.2 (the "transferee"), the transfer to, and continued registration by, the transferee shall be permitted provided that no use is made of that *.me.uk* domain name for any purpose, for so long as the transferee holds the domain name.
- 9.4.2. To prevent a breach of Rule 9.4.1, Nominet may put the domain name into a special status e.g. by blocking the entry of any nameservers onto the record for that domain.
- 9.4.3. The transferee under clause 9.4.1 will be able to transfer the domain name to a qualifying person, in which case the specific restrictions imposed under this Rule 9.4 will cease to apply.

9.5. Transitional Arrangements

As a transitional measure, any *.me.uk* domain name registered before 25 October 2004 will not be subject to Rules 9.2 and 9.3 until it is next transferred or cancelled.