

POLICY ADVISORY BOARD REPORT
PORTMAN SQUARE, LONDON, W1
2 June 2004
MEETING 32

Those present:

Denesh Bhabuta	Elected Member
Alex Bligh	Appointed Member - Council of Management
Iain Bourne	Appointed Member - Office of Information Commissioner
James Conaghan	Elected Member
James Cronin	Elected Member
Sue Daley	Appointed Member - CBI
Michael Duggan	Appointed Member - DTI
Steve Dyer	Appointed Member - Council of Management
Clive Feather	Elected Member
Peter Gradwell	Elected Member
Sebastien Lahtinen	Elected Member
Alex Kells	Elected Member
Hazel Pegg	Elected Member

From Nominet by invitation of the PAB:

Willie Black, Executive Chairman
Eleanor Bradley, Director of Operations
Nick Soulsby, Communications Manager
Gareth Cook, Communications Executive

1. Apologies

Apologies were received from Mark Lewis, Eric Ramage and Kathy Riley.

2. Approval of April meeting report

The April meeting report was approved subject to the following correction.

In section 7 (Variable registration periods) in the third paragraph the text should read "Clive Feather argued that the issue of variable registration periods was as relevant to registering domain names as renewals, and that as such it was not necessary to wait until renewals were reviewed before discussing this topic."

3. Feedback from CoM on PAB recommendations

Willie Black went through the paper provided by the CoM.

He also introduced the "Status report on PAB & CoM issues and actions" document that he had written in response to a request from the previous PAB meeting. This document is intended as an ongoing system for ensuring that all issues between the CoM and the PAB get dealt with and that none are forgotten. It was suggested that items within the document should be numbered for ease of reference and that the document should also be archived on the Nominet website. On behalf of the PAB Sebastien Lahtinen thanked the CoM for providing the paper as it would be a useful reference document.

Eleanor Bradley referred back to the item relating to the Tag Holder Agreement and the procedures relating to non-compliance with the Agreement. She pointed out that Nominet does have a complaints procedure that is open for anyone to use.

James Conaghan offered to send Eleanor Bradley evidence of problems of non-compliance from specific tag holders that he had been asked for advice on.

Eleanor also explained that following the CoM's recent strategy discussion the Nominet management team was exploring ways of tackling these problems and how the Tag Holder Agreement could be amended. Some solutions being considered included possible accreditation or a two-tier form of membership and tag holder status. She suggested that the topic should be discussed on the second day of the Nominet AGM in order to get feedback from members.

Steve Dyer commented that the type of accreditation being considered was more to do with small barriers to entry and sensible requirements for members and tag holders rather than a huge industry Code of Practice.

Alex Bligh stated that it was not clear from Nominet's complaints procedure published on its website that the procedure could be used to complain against the actions of tag holders. He also suggested that in general, tag holders are doing what the Tag Holder Agreement says but when a complaint is made it is investigated by Nominet and appropriate action is taken.

In response to a question from Sebastien Lahtinen, Eleanor Bradley stated that this issue would be developed at the next few CoM meetings and that feedback from members would be sought at the Nominet AGM in July. She anticipated that further information could be provided on this topic for the October PAB meeting.

Clive Feather referred back to the issue of DNSSEC from the status update document and asked for more information. Alex Bligh updated the PAB on the current status of Nominet's part on the IETF lists that is ongoing.

Alex Bligh raised a point on the "Status: Done" of the IETF/DNSSEC item on the status report as it is "in progress" at present and should not be dropped off the list. Clive Feather stated that regarding the Automaton date restriction point on the status report, the first part was done ("1. Under Section 3.2") but the second ("2. Under Section 3.1" was still not mandatory so could not be said to be completed.

4. Working Groups Update

Steve Dyer reported that he had submitted a proposed Charter for the Lock State working group to the Chair of the WGSC on 17 May.

Peter Gradwell reported that he intended to hold a Birds of A Feather (BOF) about the Waiting List Service working group at Nominet's AGM and then produce the charter for that group.

Clive Feather went through the charter for the Internationalised Domain Names working group and that was accepted. The working group mailing list will now be set up and publicised by a nom-announce message.

Resolution

The PAB resolved to endorse the proposal of the WGSC to approve the charter of the IDN working group, and thereby converts the status of the IDN working group from "Interim Approved" to "Approved".

5. Review of Positive Renewals

Eleanor Bradley presented her paper on the review of the positive renewals system, and summarised the feedback received from the 24 members who had responded to the nom-announce. The majority of submissions received were very positive. She outlined those elements of the positive renewals system that had been most contentious including the proforma invoice and went through the policy changes requested during the review and the executive response.

Alex Bligh suggested that 75% of the problems with the proforma invoices could possibly be solved by changing the wording on the proforma itself to make it even clearer that the registrant should contact their registration agent with payment rather than paying Nominet.

James Cronin and Denesh Bhabuta identified one policy issue that was not raised in the paper, the issue of cancelling the renewal of domain names which are renewed in error. This topic was discussed at length. The various viewpoints included a mixture of not accepting cancellations, not issuing credit notes and accepting cancellations within a certain time frame and prior to invoicing. James Cronin will draft a paper for further discussion.

Resolution

The PAB resolved to approve the recommendations of the Executive as detailed in Sections 4 and 5 of the Executive's paper reviewing Positive Renewals, and subject to the foregoing, to endorse the current mechanism of operation of the Positive Renewals procedure.

Notwithstanding the foregoing, the PAB resolved to further investigate the issues raised under Section 3.2.3 of the paper on credit notes, and under "Tag Change" in Section 4, and tasked James Cronin with producing a paper for a subsequent PAB meeting on these issues.

6. AGM dates, PAB/Policy/WG discussion session

Sebastien Lahtinen read out a list of potential topics that could be covered in discussion groups by the PAB at Nominet's AGM. He explained that as the AGM was a two-day event this year, some subjects may be better suited to discussion on the second day and would perhaps encourage more members to attend both days.

The list of topics included:-

- * Lock state (Working Group)
- * Waiting List Service (Working Group)
- * Internationalised Domain Names (Working Group)
- * Variable registration periods
- * Nominet's corporate governance structure
- * Self-regulation in the internet industry
- * How the Dispute Resolution Service works
- * Technical training session
- * Summary of current PAB consultations
- * DNSSEC

It was suggested that the chairs of PAB policy working groups in place by the date of the AGM should lead the sessions on their subjects.

Sebastien will send the list of topics to the nom-pab mailing list so that the PAB can finalise the ones to be discussed at the AGM.

7. Governance Review

Willie Black gave a verbal update on why a corporate governance review was being carried out and outlined some of the areas that are being looked at. He emphasised that whatever recommendations for change were made would be put to the PAB and the members for consultation prior to adoption. Some such changes might also require an Extraordinary General Meeting to be held, which, if required would be held either at the end of this year or the beginning of next year.

Alex Bligh explained that some of the matters under review were easier to change than others whereas some issues such as voting rights and the membership structure would need greater consultation and would therefore take longer to resolve.

Michael Duggan raised the issue of Nominet's relationship to ICANN and whether this should form part of the governance review. Willie Black explained that this review was chiefly concerned with the internal governance of Nominet and that as a result Nominet's relationship with ICANN did not need to be included. He emphasised that this point was being covered separately outside the review.

Willie Black explained that his review paper would first need to be agreed by the Council of Management before it is submitted to the PAB, but that it should be ready for the October PAB meeting.

Resolution:

The PAB resolved to request the Council of Management to provide to the PAB's October meeting the Council of Management's proposals for changes (if any) to Nominet's corporate governance, or failing that a report on its interim conclusions and a timescale for completion.

8. PAB paper submission deadlines

Sebastien Lahtinen presented his paper which suggested a change to the deadlines by which PAB papers are submitted to the PAB secretariat for publishing on Nominet's website prior to each PAB meeting. The main problem with the current deadlines was that the papers were being received by the secretariat on the same day they needed to be published on the website.

Alex Bligh emphasised that the driving factor behind the deadlines was to ensure that the membership had sufficient time to read the papers and respond before the PAB meeting. Michael Duggan and Alex Bligh suggested that there were too many agenda items that did not have papers to accompany them, which made it hard for Nominet members and PAB members alike to know what was being discussed under each topic heading.

Resolutions:

The PAB resolved to amend the PAB rules such that the PAB secretariat has the discretion to defer to the next meeting those papers arriving less than two working days before the deadline for the publication of PAB papers.

The PAB resolved to request the secretariat to ensure that wherever possible, papers are published in relation to each agenda item and area of business proposed to be considered.

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

There were no matters arising.

10. Urgent business

Gareth Cook announced that an induction course for PAB members will be held on Tuesday 29 June at Nominet's offices in Oxford.

11. Date of next meeting

The next meeting will be held on Wednesday 4 August 2004.