

FOR DISCUSSION/APPROVAL, PAB MEETING, 7TH APRIL 2004

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SUBJECT: Enforcement of/changes to The Tag Holder Agreement.

The full Tag Holder Agreement (herein after called the THA) can be found on the web at: <http://www.nic.uk/TagHolders/TagHolderAgreement>

Introduction:

1. Some Tag Holders are not complying with the spirit of The THA in respect of tag transfer requests by bona fide registrants.
2. Some Tag Holders do not ensure their Resellers make their own customers aware of Nominet's Terms & Conditions (and associated obligations).

THE RELEVANT THA CLAUSES:

Clause 1.8 states: If the Registrant wishes to use an alternative Tag Holder, and requests the Tag Holder to change the Tag associated with a domain name, the Tag Holder must not delay such a change

The THA Clause 2.5 states: If the Tag Holder agrees to act as sub agent for a third party (including without limitation a reseller of domain names) who is acting for the Applicant, the Tag Holder will require that third party to include provisions in the third party's agreement with the Applicant which are at least as onerous as clause 2 of these terms & conditions.

The Problem(s).

There are problems with interpretation and the abuse of the above-mentioned clauses. IE: some Tag Holders are causing unnecessary delays in the tag transfer process. Some are abdicating responsibility for tag transfers to their Resellers. Some do not ensure their Resellers make their customers aware of Nominet's Terms & Conditions. All of which is contrary to the spirit of the THA.

Tag Holders should not unduly delay a tag transfer request (when a registrant wishes to move his domain name from one tag holder to another) and all Tag Holders must accept responsibility for their resellers and their actions. It is the Tag Holder's responsibility to ensure their resellers know and understand this requirement. In some cases this does not happen and it is detrimental to the registrant and the good management of Nominet and the UK namespace.

Hence, the suggestion is that we review the Tag Holder Agreement in toto and more specifically to ensure compliance with tag transfers and obligations regarding resellers. Whilst 3 working days has been mentioned as a 'fair' time frame in which to complete a tag transfer request, this should be put to the membership for consultation/approval. Responsibility for the actions of their Resellers must also be put to them.