

Ms Leanne Kenny
Policy Executive
Nominet
Minerva House
Edmund Halley Road
Oxford Science Park
Oxford
OX4 4DQ

17th March 2010

Dear Leanne,

I am writing in response to Nominet's consultation on the reform of its policy advisory process.

The internet has become a key driver of business competitiveness allowing companies the opportunity to access wider markets, reduce costs and achieve greater efficiencies than ever before. This delivers real benefits for businesses, consumers and society at large. EU statistics have revealed, for example, that the UK is responsible for almost one third of all online purchases in the EU.¹

In order to safeguard and build on this competitive advantage it is imperative that all internet users have a say in how the internet infrastructure, including domain names, is managed and how related policy issues should be addressed.

The internet has developed a long way in the last decade and the UK's self regulatory model must evolve accordingly. This makes Nominet's review of its policy advisory process both timely and important.

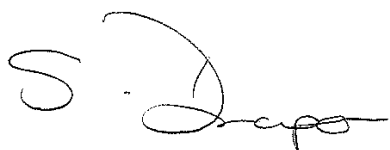
It is crucial that there is an open and fair process within which any stakeholder can raise issues with the domain name system in the UK, that these issues be given proper consideration and that an outcome is determined which suits the needs of the wider internet user community. Nominet must be accountable to this wider audience and not be seen to be acting in its own best interests.

¹ EU statistics published December 2009



I believe that the steps that Nominet has set out in the consultation paper go a significant way to meeting these objectives and my detailed comments on the individual questions are set out below.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Draper'. The signature is fluid and cursive, with a large initial 'S' and a long, sweeping underline.

Sara Draper
CBI Head of Knowledge Economy

1. Do you support the idea of placing relevant stakeholders at the heart of the policy advisory process?

Yes. It is very important that there is an avenue through which stakeholders can raise issues relating to the management of domain names. These suggestions should be welcomed from any stakeholder within the wider internet user community whether they are businesses, consumers, the third sector or government.

2. Do you support the PAB's proposal for the creation of issues groups to develop policy recommendations in response to stakeholder proposals?

Yes. Given the range of potential stakeholders and the spectrum of issues that could be raised, it is sensible to convene groups to undertake detailed examinations of particular issues as and when they arise. This method would make the best use of the expertise and talents of the various stakeholders rather than having all issues considered through a standing committee of members who may have less interest or expertise in some of the topics debated.

3. Do you agree with the PAB's outline for issues groups (open membership, stakeholder led, time-limited, with a requirement to prepare an impact assessment, and working by consensus)?

- Do you have any comments on the way that issues groups might work?

The PAB's outline for issues groups appears to be very sensible. In particular the requirement to produce an impact assessment is imperative. Impact assessments are central to good policy making. Whereas a flawed or unbalanced impact assessment can undermine a policy decision, conversely a robust impact assessment can provide important evidential support for a particular policy option.

Demonstrating that the interests of the full range of stakeholders have been taken into account will be an important step in Nominet's evolution.

The issues groups need to be representative of the full range of interests but allowing a truly unlimited number of participants could make the process difficult to manage. Where an issue is generating a high degree of interest from stakeholders some process to balance the need to take into account a wide range of views with the practical realities of managing the process may need to be agreed.

4. What mechanism should there be for selecting members of issues groups?

- In particular, how might we ensure effective participation from Nominet members to bring necessary expertise into the discussions?

The process should be open for all stakeholders to opt-in and should be widely publicised. Where there is a significant degree of interest then a process for nominating representatives of particular interest groups may need to be identified.

5. Do you agree that "permanent" groups might be needed in certain cases?

- What issues might benefit from this approach?

The format and duration of each issue group should be flexible and adaptable depending on the topic under discussion. If a permanent group is the best approach for a particular issue then this should be permitted.

6. Do you agree that “closed groups” (i.e. groups with invited membership) should be set up when this is necessary?
- What issues might benefit from this approach?

As per the answer above, the process should be flexible depending on the particular issue under discussion and therefore the “closed group” format should be an option that is available should it be necessary. The overriding objective however must be to ensure that the policy making process is more open and accountable to stakeholders. Therefore the “closed group” format should be used sparingly and with the oversight of the standing committee who can challenge the decision to form a closed group if necessary.

7. Do you agree that a standing committee is necessary to provide some form of independent assessment of, and support for, the issues groups?

Yes. In order to demonstrate accountability to stakeholders and ensure that issues groups are genuinely representative it is important to have some independent oversight to provide a critical friend function and to challenge where necessary. This standing committee should not duplicate investigations undertaken by issues group but should ensure that each group has undertaken an objective and thorough analysis of each issue taking into account the full range of interests.

8. Do you agree that the tasks identified by the PAB for the standing committee are appropriate?

See answer above.

9. Do you agree with the range of stakeholders identified by the PAB for the membership of the standing committee?

- How should members of the standing committee be identified?
- In particular, how should Nominet member participation of the standing committee be chosen, bearing in mind the importance of ensuring balance representation?

I think that the range of stakeholders identified by Nominet for the standing committee is appropriate.

10. Do you support the proposal for an enhanced secretariat taking an active role in the standing committee of stakeholders and for engaging with external stakeholders?

Yes. It will be important that the new process is publicised widely and that stakeholders are aware of how they can input to the policy development groups. This will require greater outreach work and engagement by the secretariat.

11. Do you have any further comments on the proposed new policy advisory process?
- No.