

Status Report on PAB Recommendations requiring action

September 09

1. Future of the PAB

The PAB are satisfied that a combination of the structures outlined in Annex B and C will result in the creation of a .uk policy process that will:

- Provide an opportunity for the wider stakeholder community to identify issues which are relevant to Nominet and .uk;
- Effectively capture stakeholder views;
- Provide a mechanism where relevant stakeholders are identified and able to participate in discussion on issues relevant to them;
- Manage stakeholder expectations;
- Have a defined start and end point to the policy process;
- Handle large volumes of queries.

Status: The reform of the PAB is due to be completed in January 2010

July 09

1. Declaration of Interests

The PAB resolved to recommend that the new Declaration of Interest form be adopted.

Status: All elected PAB members and any appointed members who have relevant interests to declare have now completed the newly adopted Declaration of Interest form.

2. Future of the PAB

It was agreed:

1. That there needed to be a better induction process for those engaging in the policy advisory role, and that it would be useful to draw up a job description for members. (This obviously depends on the finally agreed structure and nature of the role.)
2. The nature of the PAB role needed to change. This was seen as providing a light-touch coordinating function for ensuring effective communication between stakeholders and the Nominet Board.
3. It was agreed that further discussion would be needed to refine the model and look at the nature of a coordinating function and the level that a coordinating group would operate. This would also need to look at resources for the agreed function.
4. The PAB agreed to invite the Board to consider this idea and request its approval for the approach identified in the discussion. The PAB wanted to continue the discussion of a radical review of the way that we ensured effective communication between stakeholders and Nominet.

5. The PAB agreed on the importance of identifying issues where Nominet might need to ensure active engagement with wider stakeholders.
6. The Executive should carry out stakeholder mapping and identify how to liaise and work with these groups effectively and on what issues.

The PAB agreed to invite the Board to consider the suggestions generated from the discussion and sought its support for continued discussion on a radical review of the way that we ensure effective communication between stakeholders and Nominet.

Status: The reform of the PAB is due to be completed in January 2010

May 09

1. Industry standards

a) Domain names involved in criminal activity

The PAB resolved to recommend to Nominet that:

On receiving a request from the police or another law enforcement agency to take down a domain name which is suspected to be involved in fraudulent or criminal activity, should take action providing it believes there are reasonable grounds for suspicion and that due process has been followed.

Status: Nominet is working in cooperation with the relevant law enforcement agencies in connection with domain names involved in fraudulent or criminal activity.

The PAB also recommends that Nominet look into ways of helping registrars to follow best practice.

Status: Nominet's key account team meet with registrars on a regular basis and actively share best practice to help registrars identify possible solutions to potential problems. In the majority of cases this has resulted in positive changes in behaviour.

b) Extension of the phishing lock

The PAB agreed that the phishing lock should be extended to other domain names suspected of being used in connection with other criminal activity. The PAB suggested that Nominet should look at extending the lock after the planned review following 6 months usage.

Status: The extension to the phishing lock will be implemented in the New Year.

March 09

1. Lock States

The PAB resolved to recommend to Nominet that:

Nominet should implement a "Please notify me if my registrar doesn't renew my domain name" lock. This causes the system to act as though the DNR flag is not set and a reminder email will go to the registrant

to notify them that the domain name is due for renewal. The lock can only be set and removed by the registrant.

Nominet should implement a Phishing lock to allow a registrar to lock a domain name that has been used for phishing. This would prevent the domain name being moved to another registrar and could remove the name servers or redirect the domain to a standardised information page. It will be clearly stated to registrars that this lock is only to be used in cases of phishing and that abuse will be severely punished. This lock will be reviewed after six months and usage will be carefully monitored during this period.

Status: The proposal for a renewal lock will be looked into as part of the review of online services.

The phishing lock was implemented in May 2009, has been reviewed and has proved to be a useful tool for registrars.

2. Reserved Names

The PAB resolved to recommend the following to Nominet:

1. The PAB recognises that the registration of any .uk SLD (whether run by Nominet or a third party) at the third level could lead to confusion, and should continue to be prevented.
2. Registration of the same *domain name* at the 2nd and 3rd levels is standard registry practice and need not be prevented. Any issues can be addressed through the DRS system.
3. The PAB recommends that the registration at the third level of new SLDs applied for under the new SLD process before the application for that SLD has completed be prevented (if available); making such alterations to its Rules as appropriate.
4. The PAB recommends that Nominet should make any other names currently reserved under Rule 5.9 not covered by the recent discussion on two letter domain names available for registration, excluding "com"; making such alterations to its Rules as appropriate. There should be a special approach to releasing domain names with a staged sunrise period as with two letter domain names.
5. The PAB recommends that Nominet does not have to block registrations for any new TLDs which are announced by ICANN (or any replacement body which controls the creation of new TLDs); making such alterations to its Rules as appropriate.

Status: These recommendations have been incorporated into the two-letter domain name project. A consultation is planned for March 2010.

3. Dispute Resolution Service – Summary Decisions

The PAB requested that Nominet look into ways of explaining the basis for summary decisions.

Status: Both Nick Wenban-Smith, Senior Legal Counsel, Nominet and Tony Willoughby, the Chair of Experts attended the meeting for this discussion. Feedback was given to the DRS experts regarding this issue and they have been encouraged to give a brief explanation for their decision if they feel it appropriate.

November 08

1. Two-letter Domains

1. Nominet should make two-letter domain names available for registration; making such alterations to its Rules as appropriate. There should be a special approach to releasing domain names with a staged sunrise period.

- a) The first phase should be for holders of registered trademarks recognised and enforceable in the UK Courts, which are identical to the two-letter combination applied for. There should be provision for dealing with multiple applications for the same name and a cut off date for trademark registration to be set at some point in the past.
- b) The second phase should be for parties with unregistered rights recognised and enforceable in the UK Courts, which are identical to the two-letter combination applied for. This phase could include registered Companies who can establish that they own such rights.
- c) There would also be a third phase for releasing any remaining names. The majority of the group favoured a land-rush approach with the minority in favour of a lottery approach.

2. ccTLDs should not be reserved at the third level. The only exception to this is “uk” which should be reserved to avoid confusion, or used by Nominet for an appropriate purpose such as promoting the UK namespace “brand”. Currently reserved SLDs should continue to be reserved, regardless whether or not they are also ccTLDs pending further discussion.

3. The PAB sees no reason why these principles cannot be applied to the release of single character domain names at the third level.

4. Nominet should ensure that registrars have adequate notice of any changes to enable them sufficient time to update their systems.

Status: This project is underway with a consultation planned for March 2010.

September 08

1. Lock states

The PAB recommends that:

- Nominet should have a registry lock to be used in line with the domain name terms and conditions as necessary. A registrar should be notified when this is used on a domain name on their tag.
- There should be the function within Registrants Online to allow a registrant to set a lock to prevent the automatic transfer or cancellation (surrender) of their domain name(s) regardless of whether a registrar is subscribed to the lock-state service.
- A registrar should be able choose to allow their registrants access to an extended lock state service via Registrants Online. This should be done in a manner that enhances the registrar

channel, for example via a co-branded system (unique to each tag) that allows a registrant to set various locks on their domain name(s) including the function to lock a domain to a particular tag. This service would include the following features:

- The default of this service would be for all registrars to be opted in and then they can choose to opt out if they wish.
- When a domain name is moved from an opted-in tag to an opted-out tag through Registrants Online, then the registrant will get a warning that the new registrar doesn't allow them to set lock states. If the registrant chooses to complete the tag change then all lock state settings will default to being unlocked.
- When transferring between two opted-in tags then all details currently locked on a domain name will remain locked.
- A registrar should be able to view the locks that are in place on a domain name on their tag and should be notified of any changes.
- A registrar should have the ability to turn on a registrant lock on behalf of their customer but not to turn it off again.
- The tags subscribed to the lock-state service should be regarded as public data and the information made available to all.

Status: These recommendations will be considered during the next review of online services which is due to commence in the early part of 2010.

2. Registrar Parking Pages: good practice

The PAB recommended that Nominet should make registrars aware that they should be following the existing registrar Good Practice terms and specifically draw their attention to the risks that a registrant could face if their domain name is associated with a parking page.

Status: Whilst Nominet has not had a specific initiative on parking pages we do work closely with our registrars through our key account team. Any issues surrounding the Good Practice terms and parking pages are dealt with through this channel.

July 08

1. Phishing

The PAB resolved to recommend that the PAB, the Board and the executive work with other key stakeholders to prepare a joint industry-law-enforcement workshop to help improve understanding of options and cooperation with other organisations.

Status: We have held two joint workshops with the PAB and the UK Payments Administration (formerly APACS). We will continue to work together with relevant organisations on this issue. In particular, Nominet is working with key partners, including UK Payments, on the introduction of the phishing clearing house service.

2. Byron Review on Child Internet Safety

The PAB recommends that Nominet monitor the work of the new UK Council on Child Internet Safety (UKCCIS).

Status: Nominet is in discussion with UKCCIS about how best to engage with this work.

3. Applicable Law

The PAB resolved to ask that the Executive examine the possibility, and if they consider it reasonably practical to take action, to change the registrant terms and conditions to allow all registrants based in the UK the same choice of law that is currently available to consumers.

Status: The Executive looked into this question and referred to the Board which agreed that action should not be taken. The only circumstances in which choice of law would be relevant is where the registrant brings a claim against Nominet for breach of contract, i.e. Nominet would be the defendant in all such cases. It is a general principle of law that claims should be heard in the home court of the defendant to the claim. Nominet must also have certainty over the legal status of its contract and therefore the contract must be governed by English law where possible. Scottish businesses will be in a similar position where they use the services of other English companies, or indeed if they register other domain names with registries based abroad. The position is different for consumers as the law in the UK provides them with greater protection by reversing the usual position and allowing them to use their home courts and law when bringing claims against businesses. In any event, contract claims by either businesses or consumers against Nominet are rare.

4. .ltd.uk and .plc.uk registration rules

The PAB resolved to recommend that Nominet should review the rules on ltd.uk and plc.uk domain names based on the following principles and proposals which can be found here http://www.nominet.org.uk/digitalAssets/34391_Board_response_to_PAB_resolutions_at57.pdf :

Status: Registrants are currently unable to register domain names containing characters in .ltd.uk and .plc.uk. Nominet is currently in discussion with Companies House and the Department for Business on the .ltd.uk and .plc.uk domain name registration rules and the new rules for Companies Business Names. A report back is tabled for the January 2010 meeting.

Retrospective Action

The PAB also resolved to recommend that Nominet consult on the issue of retrospection.

Status: The Board has asked the PAB to hold further discussions on the implications of retrospective application of registration rules to help inform any consultation.

5. PAB Rules

The PAB resolved to propose changes in the rules as identified in the Annex which can be found here http://www.nominet.org.uk/digitalAssets/34391_Board_response_to_PAB_resolutions_at57.pdf

Status: The PAB rules were amended in August 2008

