

## **Policy Advisory Body: Meeting report**

This report has been approved by PAB members on list

### **Sixty-eighth meeting of the Policy Advisory Body**

**Victoria Park Plaza, 239 Vauxhall Bridge Road, SW1V 1EQ  
12<sup>th</sup> May 2010**

Those present:

Gordon Dick	Nominet Non Executive Director & Board Representative
Sara Draper	Observer - CBI
Lord Erroll	Appointed Member - apComms
Dave Evans	Appointed Member – Information Commissioners Office
Mark Healey	Elected Member
Marie-Claude Hemming	Appointed Member - FSB
Eric Ramage (Chair)	Appointed Member - ITMA
Stephen Rhodes	Appointed Member – BIS
Rob Taylor	Elected Member
Michael Toth	Elected Member
Tom Wills-Sandford	Appointed Member - Intellect

By invitation of the PAB:

Martin Boyle, Senior Policy Advisor, Nominet  
Eleanor Bradley, Director of Operations, Nominet  
Leanne Kenny, Policy Executive, Nominet  
Graeme Preston, Lead Officer for Scams, Trading Standards Institute

#### **1) Welcome and apologies**

Apologies were received from James Conaghan and Nora Nanayakkara. The Chair welcomed Graeme Preston from the Trading Standards Institute.

#### **2) Declaration of Interests**

There were no declarations of interest.

#### **3) Approval of the March meeting report**

The meeting report was approved.

#### **4) Matters arising from PAB meeting 67**

The Chair confirmed that he had proposed that it would be more practical for the secretariat to produce an impact assessment once an issue group had been formed.

Gordon advised the PAB that he had responded to the stakeholder regarding the policy of charging for registrant changes. One PAB member questioned whether there were any plans to reduce the cost. It was confirmed that Nominet routinely reviews all fees and that there were no immediate plans to make any changes.

## **5) Board Response to PAB resolutions**

It was clarified that there will be a three month consultation period for comments on the proposed changes to the .ltd.uk/.plc.uk rules.

### **6) Policy issues:**

#### **a) .uk Brand**

##### **i. Discussion on UK presence requirements for .uk domain names – discussion led by Graeme Preston from the Trading Standards Institute**

Following recent correspondence between Trading Standards and Nominet, Mr Preston was invited to speak to PAB members regarding whether registrants of .uk domain names should be required to have a presence in the UK. Mr Preston explained that in the experience of Trading Standards the average UK consumer expects the registrant of a .uk domain name to be based in the UK. Complaints regarding counterfeit goods and non-delivery of items purchased on the internet were increasing and in some instances the company or individual behind the website was not based in the UK. The current view of Trading Standards is that the registrant of a .uk domain name should be required to have a reasonable foothold in the UK that consumers can contact: the distance selling regulations do have a requirement for a geographical address.

One PAB member asked how this would comply with the EU E-Commerce Directive. It was suggested that the focus should be on educating the consumer on how to use the Internet safely rather than trying to create an environment of complete trust. Eleanor Bradley explained how Nominet had moved forward in developing good relationships with a number of law enforcement agencies and this had positive results with Nominet responding to issues as they arise. Mr Preston agreed that it would be beneficial to work together to develop a practical way of dealing with domain names that were an issue. As part of this it was suggested that more education was needed within Trading Standards as to who Nominet are, what we do and in what ways we can help. Mr Preston explained that going forward Cybercrime would be addressed by Regional Teams within Trading Standards.

It was highlighted that a more restrictive registration policy could penalise the majority of registrants who register domain names correctly by increasing costs and making the registration process slower. Potentially these measures would be disproportionate in relation to the number of domain names that cause an issue. It was also highlighted that in countries with more restrictive registration policies the registrations and therefore problems move to the generic domain name space. One PAB member suggested placing more emphasis on those who do have a reasonable presence in the UK so that consumers are encouraged to use those sites.

A significant part of the discussion focused on how such a requirement could be enforced. One PAB member stated that the nature of fraud and the Internet means that criminals can easily move somewhere else, hosting might not be in the UK, and the operator might use a proxy. It was recognised that this could be challenging but that a starting point would be to cause disruption to the criminal by removing the site, subsequently stopping them from trading from that domain name. Generally, PAB members recognised that awareness raising and developing a relationship between Nominet and Trading Standards were important

The secretariat drew attention to the issue groups that would form the basis for the new policy process and suggested that this would be a suitable place to continue discussion on this issue. Mr Preston agreed that he would be very interested in being included in this and Eric Ramage also volunteered to be involved.

#### **b) Follow up to Member Paper titled Expired Domain Names tasting (Executive paper)**

At the March meeting the secretariat was asked to investigate whether there was evidence that registrars were tasting expired domain names within .uk and determine if the Good Practice Terms and Registrar Agreement already dealt with this issue. On introducing the paper the secretariat confirmed that the statistics that were available to Nominet indicated that currently this was not a widespread practice. It was also confirmed that the current version of the Good Practice Terms and Registrar Agreement did not cover this issue.

The secretariat highlighted that it was important to focus on the policy implications of this practice rather than focus on a particular business model. The PAB were invited to consider whether there was any policy reason why this practice should be restricted.

One PAB member highlighted that the registrant could be liable to a DRS complaint should the registrar change the use of the domain name without their knowledge or consent. In addition potentially they could be placed in breach of the registrant terms and conditions or incorrectly opted out of the WHOIS.

The PAB discussed the purpose of the 30 day grace period which begins when the registration of the domain name has expired and ends with the suspension of the domain name if it is not renewed. The PAB questioned whether this period was in place for the benefit of the registrant or the registrar. It was thought that its original purpose was to both alert the registrant to the fact that renewal payment had not been received and allow them to renew and to help registrars in a move to the positive renewals process. This encourages renewals which the registrar would also benefit from.

One PAB member suggested that there may be a legitimate reason why a registrar changes the name servers on a domain name e.g. if the registrar were to point the domain name at a holding page stating that the domain name has expired. Other PAB members questioned why the domain name could not simply be switched off. It was clarified that the registrar would already have had access to the information that could be gathered through "tasting" from hosting the domain name for the previous two years.

It was generally felt that the 30 day grace period was not intended to be used for the registrar's advantage and that it is important for the registrar to explain clearly to its customers as to how it manages a domain name that is not renewed (and the good practice terms encourage transparency about what customers can expect from their registrar). However it was recognised that Nominet needed to be careful of its market position and was not to interfere with a third party contracts or registrars business models where registrants are being legitimately served.

There was an indication from the PAB that this practice could be detrimental to registrants and there should be some consideration given to what the consequences would be should the practice become widespread. The secretariat will explore ways in which this issue could be addressed in the new process.

## **7) PAB internals:**

### **a) Summary of the consultation responses on the reform of the Policy Advisory Process (Executive paper)**

The secretariat confirmed that the consultation responses showed overwhelming support for the new policy process. A PAB Member requested clarification on what was deemed to be an anonymous response. The secretariat explained that three respondents could not be identified as they had not given their name or organisation to Nominet: therefore whilst their comments were taken into account, they had not been counted in the statistical representations of the responses. Respondents that had chosen not to have their response published had all their comments represented in the summary.

### **b) Implementation of the new policy advisory structure (Verbal update)**

Gordon Dick explained that this item had been tabled as a verbal update so that PAB members could be informed in person of the Board's decision before this was published to the rest of the community. He

went on to highlight some key points in the decision and then circulated the decision paper which can be found at: [http://www.nominet.org.uk/digitalAssets/42478\\_Policy-Advice-Process-Board-Decision.pdf](http://www.nominet.org.uk/digitalAssets/42478_Policy-Advice-Process-Board-Decision.pdf)

One PAB Member questioned how Nominet will recruit for the committee and another asked if there would be more focus on Appointed Members. Gordon explained that Nominet would now need to decide on the types of representation that was needed to ensure that the committee was balanced and that we would be looking for a spread of expertise including from within Nominet's membership. It was highlighted by a PAB Member that it was unusual for representatives to be elected to a body that depended on there being balanced representation of interests and specific skills needed.

#### **8) Matters arising from Nominet Forum and pab-suggest**

An email had been sent to pab-suggest from a Nominet Member suggesting that Nominet have a WHOIS for Tags. This suggestion had been raised at the PAB previously with the subsequent recommendation being that Nominet should proceed with implementation. A project brief had been considered by the Operational Management Team and due to the lack of demand for this service it had been decided that this would not be implemented at this present time. The secretariat agreed to inform the Nominet Member of this decision.

A stakeholder had emailed pab-suggest regarding the possibility of Nominet introducing a new second level domain. In agreement with the PAB Chair the secretariat had referred the stakeholder to the second level domain name procedure already in place.

A Nominet Member had posted on the Nominet forum that he requested two issues to be brought up under this agenda item. The secretariat gave a brief explanation of each issue.

#### **9) AOB**

On behalf of Nominet Board Gordon Dick thanked everyone who has put time into the PAB. PAB Members thanked the current Chair Eric Ramage for chairing the PAB through some difficult times.

The PAB Chair also thanked everyone past and present and stated that he hoped Members would participate in the new policy process as input from stakeholders would be the key to success.