

me.uk Rules – A PAB Consultation

Subcommittee

14 July 2003 10:00 – 13:00,
Portman Square LONDON

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Emily Taylor (by invitation from Nominet)

Version 1.2 (S Lahtinen)

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- References: me.uk Rules – A PAB Consultation (*17 February 2003*)
 <http://www.nic.uk/Pab/PabConsultationPapers/MeukRulesConsultation/MeukRulesConsultationPaper.html>
- me.uk Rules – A PAB Consultation – Responses
 <http://www.nic.uk/Pab/PabMeetingPapers/SummaryOfmeukRulesConsultation.html>
- .me.uk Rules - Responses
 <http://www.nic.uk/Pab/PabConsultationPapers/MeukRulesConsultation/MeukRulesConsultationResponses.html>
- .me.uk Rules – A PAB Consultation (06 May 2003 Subcommittee)
 <http://www.nic.uk/Pab/PabMeetingPapers/MeukRulesSubcommitteeReport.html>
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Background

The .me.uk rules consultation is taking place in order to consider changing the rules for the SLD to cope with various issues raised in previous papers. At the 26th meeting of the PAB on 04 June 2003, the PAB did not achieve a strong consensus on the previous subcommittee's recommendations and asked for the subcommittee to reconsider its proposal, specifically with reference to: the issues of families; the issue of registration for others with similar names; of whether use should be examined at all; on whether subdomain should be completely open; on whether correspondence between the name registered and the name of the registrant should be enforced.

Subcommittee Recommendations

The subcommittee discussed the issues raised by the PAB in addition to the feedback from Nominet members at the post-AGM PAB session and makes the following recommendations:

¹ by teleconference, until 11:40

Restriction on registrants

The subcommittee discussed options varying from a ‘totally open but strongly chartered’ SLD to a ‘closed’ SLD. Some members were concerned that individual registrants needed additional protection from companies using the namespace intended for individuals. It was however noted that it would in some cases be difficult to apply a “use” test as previously recommended. The subcommittee discussed Nominet’s successful use of “anti-avoidance” clauses in other situations and believes this to offer an appropriate solution.

RECOMMENDATION

The subcommittee recommends that registration should be restricted to ‘individuals’ (natural persons), and that an “anti-avoidance” clause is introduced to prevent registrations by individuals made wholly or mainly for the purposes of circumventing that restriction.

Restrictions on the domain name

The subcommittee noted that by restricting registrations to domain names which can be shown to be a reasonable representation of an individual’s given name, some of the issues could be resolved, however it was felt that such a restriction would discourage registration in the .me.uk namespace and result in individuals registering names in alternative spaces such as .co.uk. The subcommittee did note that ‘correspondence’ can be relevant in the dispute resolution system where ‘rights’ to a particular name are shown and feels it is important to make clear to registrants in any explanatory notes that whilst no correspondence is required, there is no change to the dispute resolution policy.

RECOMMENDATION

The subcommittee re-iterates the recommendation previously made not to require any correspondence between the domain name and the registrant name as the basis for registering a domain name.

Restrictions on use

The subcommittee discussed the problems with the “use” test previously recommended. It also considered the feedback from the open PAB session held after the AGM where members of Nominet were not in favour of such a test.

RECOMMENDATION

The subcommittee is satisfied with the restriction on registrant accompanied by an anti-avoidance clause and thus recommends that “use” of the domain name should not form part of the rules.

Existing Registrations

The subcommittee believes that in order to maintain the confidence in registrations within .uk, existing registrations should be allowed to remain even where they are incompatible with the new rules (e.g. registrations to companies). The subcommittee also discussed the issue of transfers of legacy names. It believes that as .me.uk was clearly always intended for use by individuals, it was not unreasonable to enforce the new rules on registrants on transfer.

RECOMMENDATION

The subcommittee does not recommend making changes to legacy names whilst they remain registered to the current registrant. On transfer, it recommends that new rules should apply, including the requirement for the new registrant to be an individual.

Registrations by groups of individuals

The issue of registrations for use by families or other groups of individuals (e.g. those with the same surname) was discussed. This raises several issues such as how to deal with disagreements between users (e.g. divorce) or the death of the registrant. At present, Nominet does register names for partnerships but the issue of families or other groups has not been prevalent.

The subcommittee noted that .me.uk is no different to any other SLD in that if multiple users have subdomains under a .me.uk domain, the domain itself can be registered to one entity, and any use by other parties would be covered by contracts. Similarly, in the event of a divorce or death, domain names would be part of the legal process of settlement, or can be ‘inherited’ from other parties. As such, it is felt no special provisions are necessary.

As the ‘use’ clause is no longer being recommended, the issue of varying uses of subdomains is not applicable.

RECOMMENDATION

The subcommittee feels that the issue of multi-party registrations is not restricted to .me.uk registrations and that therefore no specific rules are required within the remit of this SLD.

Communication

The subcommittee was concerned that registrants did not always understand the rules of SLDs, what is and is not permitted, and their interaction with the dispute resolution system. It noted common misunderstandings relating to the current rules such as registration by companies and a perceived

correspondence requirement that does not exist. The subcommittee felt that Nominet should consider how to communicate these better to registrants. Such issues include advice for anyone planning to start a business to consider carefully whether a .me.uk name is appropriate as it would not be transferable to company if they chose to incorporate at a later date.

RECOMMENDATION

The subcommittee recommends that Nominet is encouraged to consider various ways in which it can better explain the rules to the registrant.

Additional Issues

The subcommittee noted that as there was no longer a “use” requirement, the existence of a Rules Dispute Resolution Procedure (RDRP) was no longer a specific issue for .me.uk but recognises the concerns previously raised over the RDRP (pricing, etc.) and believes that they should be examined by the PAB at the appropriate time.

It also noted (subject to the acceptance of the above recommendation restricting registrations to individuals), that the following clause in the .me.uk specific rules² is now obsolete:

“There shall, without exclusion, be a sufficient demonstration of an abusive registration if the registrant is not a natural person and cannot demonstrate that they registered the domain name with the agreement at the time of a specific natural person and that the domain name was a reasonably faithful representation of that person's legal name”

RECOMMENDATION

The above clause should be removed from the rules.

Feedback & Process

As a PAB Meeting Paper, stakeholders are encouraged to provide feedback on the contents of this paper. This should be submitted to pab-feedback@nominet.org.uk. It is noted that Nominet will consult with registrants on proposed rule changes prior to their implementation.

Sebastien Lahtinen
22/07/2003

² <http://www.nic.uk/SecondLevelDomains/SldsOperatedByNominet/meuk/SpecificRulesForTheMeukSld>