

The consultation paper reads confusingly to me. It does not seem to understand the difference between a web site and a domain name. It simultaneously states that it "Does not wish to interfere with the relationship between the Registrar and his customer" and then goes on to say how it's going to "Make things clear" to the customer. For example it's going to make the use of a premium rate phone number clear to the customer. Why? Has Nominet UK decided to take on the responsibilities of ICSTIS? Is OFCOM's oversight of ICSTIS not up to scratch?

It seeks to "Maintain a good reputation for the .uk Brand" - this from a company which has just dropped UK from its corporate image.

We need to think more clearly about the role of Nominet UK:

I note that in the consultation document there is a phrase that says "In a survey ... a significant number of registrants would support the creation of a code of conduct for .UK". Whether this represents a policy mandate from a majority of members seems to me doubtful, and in considering whether Nominet UK can implement such a mandate we should look at the Objects for which Nominet UK was set up all those years ago:

>The objects for which the Company is established are:

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>3.1 to act as the Network Information Centre for the United Kingdom and

>manage and control the use of the Internet domain ".UK";

>3.2 subject to all necessary consents, and to the co-operation of the

>governmental and non-governmental organisations concerned, to manage and

>control the use of sub-domains under the Internet domain ".UK" (whether

>directly or by means of sub-contracts, agents or any other means);

>3.3 to establish, publish and administer rules for the use of the domain

>and sub-domains referred to in clauses 3.1 and 3.2;

>3.4 to maintain a register of Internet domain names;

>3.5 to establish and implement procedures for authorising changes to the

>register;

>3.6 to provide facilities for searching the register; and

>3.7 to operate a domain name service;

>in each case on a commercial basis.

>In support of the objects, but not otherwise, the Company shall have power

>to do all things incidental or conducive to the attainment of the objects

>or any of them.

If the Code of Conduct proposed relates to the general behaviour of the Registrar, or affects his ability to carry out other portions of his business as he wishes (including the registration of other domain names) then it extends beyond the objects of Nominet UK which are clearly limited to .uk.

An effective industry code of conduct must affect more than just .uk registrations, and so should be run by a third party with a wider legal remit.

Should Nominet UK seek to enforce behaviour on its registrants or

registrars, ie. to impose rules not related to the operational needs of domain name registration, then I believe it should consider carefully whether the use of its grip on the .uk name in this way is equitable and supportable.

I believe that a move from "administration" to "policing" is one that the company would live to regret.

For a currently topical example would the code of conduct allow the registration of a domain name offensive to Muslims? If so, we should consider installing barriers at Nominet Towers now. (Pontius Pilate got it right).

I have constantly urged Nominet UK to stick to its mandate. If the members believe that a Code of Conduct/CoP for the industry is a good idea, then Nominet UK should use its considerable financial muscle to fund a separate body providing a Code of Conduct which can work to "Raise Standards in Industry", across the board, not just limited to the small corner of the industry which represents .uk where Nominet UK has an interest and has leverage.

The failure of all previous attempts to introduce a Code of Conduct indicates to me that there is no real appetite in the industry for having a policeman, and what appetite there is does not survive the acid test of asking for funds.

A code of practice/conduct body is highly likely to be unpopular and the finger of blame for all ills will be pointed at it. The only way to avoid this is if its members voluntarily fund it and are therefore motivated to support it. The Nominet UK model does not have this safety valve and will put Nominet UK on the back foot from its inception.

We should not make the mistake of thinking that because Nominet UK can do something it should do it. The writers of the original objects couched them closely for a reason, and they have served Nominet UK well.

If we are to do it, then the first step is a vote by the membership to widen the objects to specifically empower the company in this new direction, rather than to slide it through on the back of a rather wide interpretation of clause 3.3 and the general catch-all at the end.

A Code of Conduct run by Nominet UK sounds initially like a great idea, but it isn't.

We once looked into a CoP, we are now looking at a CoC, and if we aren't careful that will be the result.

Stephen Dyer