



Response to the Nominet Consultation: Raising Industry Standards

Nominet Consultation 2006

Response of
The Trading Standards Institute

April 2006



Paul Ramsden
Deputy Chief Executive
Trading Standards Institute
First Floor, 1 Sylvan Court, Sylvan Way
Southfields Business Park
Basildon, Essex, SS15 6TH
Telephone: 0870 872 9003
Mobile: 07780 675815
E-mail: paulr@tsi.org.uk

Nominet UK
Sandford Gate
Sandy Lane west
Oxford
OX4 6LB

27 April 2006

Dear Sir or Madam

Nominet Consultation: Raising Industry Standards

Thank you for giving us the opportunity to submit comments on the Nominet Consultation: Raising Industry Standards.

The Trading Standards Institute (TSI) represents the views of a broad range of Trading Standards professionals in both the public and private sectors. Our members are engaged in local and central government, in consumer bodies and in large and SME businesses. Our aims are to promote excellence and enhance the professionalism of our members in support of informing consumers, encouraging honest business, enforcing against dishonest and unfair trading practices and the creation of healthy and safe communities.

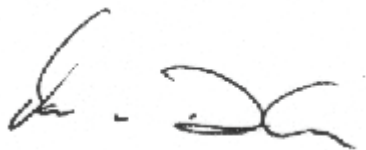
The Trading Standards Service is involved in the Internet industry in a number of ways. In addition to enforcing regulations relating to e-commerce, many Trading Standards Services operate consumer and business advice services, including in partnership with the Department of Trade and Industry under the Consumer Direct brand. As a result, Trading Standards Services are aware of problems that have arisen in domain names registration and have often sought to provide advice to consumers and end-users in order to help them resolve difficulties that have arisen. The Service also investigates breaches of legislation occurring on the Internet and has an interest in the registrant data as a result.

TSI supports developments that would help eliminate abuses and undesirable practices. An example of this practice is when a registrar or reseller approaches a business stating that another person wishes to register a name similar to that which is already registered. The business is offered the chance to purchase the other domain name and often feels their business may be damaged if they fail to do so. In many cases, there is no third party seeking to register the other domain name.

To support any initiative aimed at raising standards, we believe Nominet should consider how existing and proposed regulation impacts on the industry and refer to such regulation where possible. In particular, Nominet should be aware that the Unfair Commercial Practices Directive is due to be implemented in the UK in 2007. This will introduce general provisions, aimed at eliminating unfair practices, often referred to as a 'general duty to trade fairly'. Any industry code will be important in defining acceptable and unacceptable behaviours and therefore a voluntary code of conduct will help the industry to be clear on its responsibilities.

In compiling this response, the Institute has drawn on the expertise of our Lead Officer on E-commerce issues, Richard Webb. Should you require clarification on any of the following points, please do not hesitate to contact Richard via email on loecommerce@tsi.org.uk or telephone on 0870 872 9125 in the first instance.

Yours sincerely

A handwritten signature in black ink, appearing to read 'P. Ramsden', written in a cursive style.

Paul Ramsden
Deputy Chief Executive

Comments on Specific Proposals

TSI supports the proposal to introduce terms in registrar's contract contracts requiring clear pricing details. This is particularly relevant as other regulatory controls such as the Unfair Terms in Consumer Contracts Regulations 1999 and misleading price indication provisions of the Consumer Protection Act 1987 do not apply to business-to-business contracts. Therefore, there is currently little legal protection for businesses that are given inaccurate or misleading pricing information.

We are also aware that the registrant database is occasionally abused and WHOIS searches are often unreliable. We would support any steps taken to improve the traceability of domain name owners. Whilst access to registrant details may concern many Internet users, the industry should note that any consumer detriment that results from a website being operated by someone who is not traceable results in harm to consumer confidence.

Finally, the proposals to operate a "name and shame" scheme will only be effective if backed by sanctions. The Advertising Standards Authority scheme referred to in the consultation is backed by the ultimate sanction of the withdrawal of advertising facilities to anyone who continually abuses the system. Public knowledge of Nominet's "name and shame" scheme will not be high and as a result, it is essential that Nominet has the authority to apply sanctions to registrars who misuse the system.