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2017 Policy Review Panel

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2012 IAP Meeting - 24 May 2012

Third Meeting
24 May 2012, 2.00-5.00pm
auDA

Present:

Stuart Benjamin, James Deck, Brett Fenton, Paul Fong (via teleconference), Angelo Giuffrida, Robert Gregory, Erhan Karabardak, Jerry Leeson, Bruce Matthews, Graham McDonald, Peter Nettlefold (via teleconference), Craig Ng (Chair), Ned O'Meara, George Pongas, Holly Raiche, Bruce Tonkin, Dwayne Varey, Miguel Wood

Jo Lim, Paul Szyndler (auDA Staff)

Apologies:

David Cranston (ACCC), Paul Levins, Matthew Proctor

Actions:

- auDA staff to update draft Issues Paper to reflect panel discussions and preliminary positions. Staff to circulate to Panel members for comments with the aim of releasing the document for public consultation by 8 June.

Discussion:

1. Welcome

Craig Ng opened the meeting, noting the Minutes of the Panel's previous meeting and the remaining three Terms of Reference to be addressed, and the draft Issues paper developed by auDA staff that would form the basis for discussions.

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2. Draft Issues Paper – Panellist feedback

The Panel worked through the current draft of the Issues Paper and provided a range of corrections and comments. auDA staff noted the comments and will incorporate them in the next revision.

3. Panel Terms of Reference – general discussion of policies and issues

The Panel worked through the remaining three Terms of Reference that were not discussed at-length at previous meetings: Registrar Security, Policy and processes for Registrar Transfers and Status and Operation of the .au Domain Name Suppliers' Code of Practice.

3.1 Registrar Security

Jo Lim outlined the work and output of a working group of registry and registrar operators that, with the assistance of Vectra, has developed a risk-based security standard for .au registrars. The standard - the auDA Information Security Standard (ISS) - defines a number of detailed technical, operational and personnel- related security requirements for .au registrars. It is intended to assist auDA registrars to manage and improve the security of their own businesses in a way that also protects the integrity and stability of the .au domain space.

It is based upon relevant international standards and allows compliance flexibility, depending upon registrar resources, capabilities and business operating models.

Issues discussed included:

- The mandatory nature of the Standard - it will be a published Policy, with possible suspension or termination penalties for non-compliance
- Timeframes for implementation - all new registrars will need to be compliant, existing registrars have 12 months to apply for certification and 24 months to achieve compliance.
- The intention of the ISS – Protection of registrars, their systems and the .au space, not consumers.
- The need to ensure the ISS does not become a simple compliance exercise – it requires good mechanisms for enforcement, auditing, stress-testing and review to ensure the ISS remains dynamic, relevant and effective.
- Funding - auDA will provide funding and support for implementation of the standard and for periodic auditing, though is currently awaiting confirmation of the expected total costs.
- Applicability – While the ISS will be mandatory for .au accredited registrars, it was not expressly designed with resellers in mind, as they do not have a direct connection to the .au Registry. However, resellers may wish to access the programme (at their own cost) to improve their own systems and create a point of market differentiation for themselves. Registrars could also choose to apply it to their hosting businesses. auDA staff will clarify this potential in the revised Issues Paper.
- The panel generally agreed with the draft policy and technical specifications of the ISS and agreed to include it, as an attachment to the Issues Paper, to solicit commentary.

3.2 Policy and processes for Registrar Transfers

Issues discussed included:

“Forced” renewal:

- Panel members were advised that some registrars force a registrant to renew their domain name if they transfer-in within a set time prior to expiry. There is some anecdotal evidence that this causes confusion in the market. It was agreed that the issue is one of customer education and is not a matter on which the Panel seeks to make any recommendation.

Process for registrar transfer

- The appropriateness of the current multiple-step process for registrar transfers (change request and provision of password, retrieval of record from registry, confirmation email to registrant contact, up-to 48 hours for change in registry).
- Possible issues / delays with this process – Password provision (wrong password from client) and incorrect or out-dated registrant contact details in record.
- The security reasons for some of the delays – clients will be notified that a change has been requested, plus the 48-hour delay in registry change also allows for intervention or notification to auDA of fraudulent requests.
- The general tension between usability and efficiency vs security.
- The low rate of criminality or fraudulent requests and the more-common issues arising from fallout between business partners, resellers and clients, resellers and registrar.
- The option in the gTLD space for a registrar to refuse a transfer is not applicable in .au, however there is currently no policy requirement (nor business motivation) for a losing registrar to approve a transfer out in order to speed up the process.
- The possibility of introducing a requirement in policy whereby losing registrars would be required to approve a transfer, if requested by the client to do so. Current protocols have the capacity to facilitate this.

Bulk transfers (upon registrar acquisition):

- The general prevention of, and limited circumstances in which bulk transfers can occur in .au with auDA approval (and with criteria being met)
- The impost upon registrars associated with acquisitions and the need to retain acquired parties’ registry accounts until all names have expired / been renewed / transferred out. General agreement that this approach is not practical.
- Comparable models for bulk transfers (gTLDs and APNIC) – noting the problematic provision in the ICANN policy that any transfers over 50,000 names are charged \$50,000. Transfers of less than 50,000 are free.
- The potential of developing a system that would allow bulk transfers - with the consent of both registrars, and with due notice to registrants giving them an opportunity to transfer to a different registrar if they don’t want to be included in the bulk transfer. Could be implemented through a change to the Registrar Transfers Policy.

Bulk transfers (by resellers):

- The limitations placed upon resellers with regard to bulk transfers and their decreased ability to move their portfolios between registrars.

The competition-limiting effects of these current rules.

- The importance of recognising resellers as informed users / agents by relaxing these prohibitions.
- Consumer protection: The need to ensure resellers' clients remain informed (though not necessarily giving informed consent) of changes through a mandatory notification from their reseller. Also the need to provide opt-out options.
- The possibility of "gaming" of the system (e.g. registrar shopping for cheap renewals) and mechanisms (such as transfer frequency limits) to prevent this.
- The panel agreed to raise these issues in its draft Issues Paper and solicit stakeholder feedback. In particular, stakeholders' attention should be directed towards proposed ideas for change with regard to expediting registrar transfers and facilitating bulk transfers by both registrars and resellers.

3.3 Status and Operation of the .au Domain Name Suppliers' Code of Practice.

Issues discussed included:

- The original intent, consistent with the industry self-regulatory model, for the Code of Practice (CoP) to be developed, updated and "owned" by the Internet community and not driven by auDA.
- Registration of the CoP would give it force in law, though few industry Codes currently have this status and entities such as the ACCC are not actively looking to register more Codes.
- Subsequently, most regulation in .au has been achieved through auDA policies, leaving the CoP not updated since 2004.
- The disappearance of the fraudulent behaviour the Code was developed to prevent.
- The utility of absorbing the CoP into auDA policy (ensuring frequent review) versus retaining it in its current format, as well as the level of urgency for review or reform the Panel should convey to the auDA Board.
- The panel agreed to raise these issues in its draft Issues Paper (specifically retention vs absorption into policy) and solicit stakeholder feedback.

4. Next steps

- Redraft of Issues Paper by auDA staff
- Commentary and agreement by Panel members
- Release of Issues Paper for public consultation by 8 June
- o Posted to auDA website
- o Mailed to auDA lists – call for comments
- o Online survey
- o Panel members also encouraged to distribute the Paper to their stakeholders

Next Meeting:

Thursday 26 July 2012, Melbourne

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Membership