2015 NPP Meeting - 2 July 2015

Attendance:

Philip Argy, Andrew Christie, James Deck, Brett Fenton, George Fong, David Goldstein, Dan Hunter, Jo Lim, Bruce Matthews, Ned O'Meara, George Pongas, Emily Rice (observer), Derek Whitehead

Teleconference:

Adele Flego, Erhan Karabardak, Jon Lawrence, Holly Raiche

Apologies:

Gavin Collins, Jeremy Blackman, Joe Manariti, Peter Mead, Nicole Murdoch, Anthony Peake, Miguel Wood

Actions:

- DW and JoL to draft direct registrations policy model and rationale

1. Confirmation of 11 June minutes

The minutes were confirmed.

2. Direct registrations – discussion of policy models

The outcome of the last Panel meeting was that the majority of Panel members were in favour of allowing direct registrations in .au, with some people making their support conditional on the type of policy model and/or the transitional implementation method to be adopted.

Panel members were reminded that transitional implementation issues are explicitly out of scope for this review. Whilst the Panel cannot make any specific recommendations about implementation, it is not prevented from making comments and suggestions in its final report to the auDA Board about possible methods of implementation and issues to be addressed, eg. rights of existing registrants, trade mark sunrise periods, etc. JoL advised that auDA's past practice has been to convene a small expert working group to assist with the implementation of new initiatives which require a more specialised level of industry knowledge or experience (eg. Dispute Resolution Working Group, Secondary Market Working Group). If the auDA Board decides to use this approach, then it will provide a further opportunity for stakeholder consultation and input after this Panel has concluded its work.

Panel members discussed the 8 different policy models that were circulated prior to the meeting, setting out:

- Who is eligible?
- What evidence do they need to provide?
- What domain name can they register?
- Other rules?

It was agreed that only Australian entities and Australian individuals (defined as Australian citizens and residents) should be eligible for a direct registration under .au (nb exceptions for foreigners with an ARBN or an Australian registered trade mark).

It was agreed that the provision of an Australian postal address as evidence of eligibility would not be sufficient, as it is too easily falsified and difficult to police. On balance, Panel members considered that the evidence requirements of the existing 2LDs should be used for direct registrations – ie. ABN, ACN, RBN, ARBN, TM, Inc Assn, citizen/resident warranty. The Panel noted that for warranty-based criteria, auDA has the right to delete a domain name where it is found that the registrant has made a false warranty.

The Panel also agreed that the allocation rules in the existing 2LDs should be adopted for direct registrations – ie. exact match, abbreviation or acronym, close and substantial connection. There was some discussion about whether or not domain monetisation should be allowed – it is currently allowed in com.au

and net.au, but not in org.au and asn.au. Some Panel members were concerned about the prospect of domainers being allowed to "lock up" potentially thousands of valuable .au names from "legitimate" use, especially if they are given first right of refusal on their existing com.au names. It was suggested that a "use it or lose it" rule be introduced for direct registrations, however this was largely considered to be unworkable owing to the problem of defining "use".

Panel members discussed other rules that might apply to direct registrations to deal with potential abuses or undesirable practices. The majority of Panel members agreed that the registrant of a direct .au name should not be permitted to use it as a de facto new 2LD by setting up a private registry outside the centralised registry database and auDA-regulated system. It was noted that ICANN has imposed a similar prohibition with respect to the new gTLDs, to prevent a proliferation of non-approved registry operators. auDA has an existing process for approving new 2LDs, which it was thought could continue to operate alongside direct registrations.

Concerns were raised about the potential for direct registrations to spoof well-known existing names, especially gov.au names. It was suggested that the industry might need to become more pro-active about monitoring and reporting abuse. It was also suggested that all existing 2LDs and TLDs be reserved from use, at least in the transitional period, to help mitigate the risk that these names could be used for bad faith purposes.

It was suggested that the auDRP may require modification to accommodate direct registrations, and/or additional expedited dispute resolution mechanisms may be required.

Rationale for direct registrations

The Panel agreed that if it proceeds to recommend that direct registrations be allowed, then it will need to provide a cogent rationale to support the recommendation. The following arguments were put forward:

- .au is more likely to be attractive for individuals than the existing id.au 2LD (AusRegistry research shows that while there has been an increase in the number of people registering different types of domain names for individual use, there has been a decrease in the number of id.au domain names being registered). Whilst adding new 2LDs (eg. me.au) may provide an alternative solution to the perceived barrier to individual registrations, it would go against the international trend towards simplifying and shortening domain names.
- Whilst there is a likelihood that there will be defensive registrations, they do not devalue "real" registrations, and they may turn into "real" registrations in future. No one can predict how long it will take people to move their online presence to a .au name. Allowing direct registrations should be viewed as removing the obstacles to a natural evolution of the namespace, which will be decided by the market and consumer choice.

3. Other 2LD policy issues

Other 2LD policy issues still to be discussed in detail by the Panel include:

- Changes to the domain name licence period – Panel members were inclined to endorse the recommendation of the 2010 Panel, to replace the current fixed 2 year licence with a variable 1-5 year licence period
- Business name registration system
- Drop catching services
- Misspellings (implementation issues)
- Changes to WHOIS.

4. Next meeting

The next Panel meeting will be on Thursday 6 August 2015.