

Minutes

1st February 2018 at 9:00AM

Present: John Swinson (Chair), Paul Zawa, Brett Fenton, Luke Summers, Narelle Clark.

Apologies: Professor Andrew Christie

Meeting commenced at 9:00am

The key issues discussed were:

Item 1. Direct Registration Summary

The Panel discussed their recommendations for the implementation of Second Level Domain Name Registrations (Direct Registration). The Panel agreed that the registration of Second Level Domains (SLDs) should commence on the launch date, which is a day to be determined by the auDA board.

The Panel discussed options / positions to be put to the Australian internet community for discussion purposes. Where it is stated below that the Panel “agreed” to a position, this means that the Panel agreed to present that position to the Australian internet community for discussion. The use of the term “agreed” does not mean that the Panel has agreed to make a recommendation to the auDA Board. All matters set out below remain subject to public consultation.

Priority Registration Period

The Panel spent considerable time exploring Priority Registration Periods. The Panel agreed that a period of three or six months from the proposed launch date was adequate. The Panel agreed that where there was no corresponding 3LD, the SLD can be registered immediately on the launch date, on first come, first served basis.

Luke Summers indicated that he believes six months should be considered the absolute minimum period of time for the Priority Registration Period; as there is still very little awareness in the Australian internet community of the proposed introduction of direct registration.

Narelle Clark expressed concern that six months could only be effective with a strong education campaign prior to launch.

Priority Applicant

The Panel agreed that the appropriate definition of a Priority Applicant is a person who held an Australian domain name licence for a domain name at the third level as at 18 April 2016. Only registrants with a 3LD domain name will be eligible to priority registration.

Luke Summers expressed his strong disagreement with the cut-off date of 18 April 2016. Luke indicated that he believes this is going back too far, and that many existing registrants would be negatively impacted by backdating the cut-off to 2016.

The Panel discussed registrants of domain names at the 4th and 5th level and believed that they should not be included in a priority process due to added complexity. The Panel acknowledged that this would disadvantage all state and territory government registrants.

Where there are identical domain names at the third level, the Panel agreed that a Priority Applicant may acquire an Application Ticket for a Corresponding SLD during the Priority Registration Period.

Luke Summers indicated that he thinks existing registrants should not have to pay for Priority Applications (Tickets). Luke also noted that if there must be a price for Priority Applications to cover administration costs, then it should be set at a minimal level, in order to reduce the cost burden imposed on registrants.

Contested domains

John Swinson canvassed Panel members' opinions about the different Models to resolve conflicts for when there is more than one potential application for the .au domain name;

- Longest registrant
- Longest registration
- Set a specific order of priority
- Negotiation, mediation and agreement
- Lottery
- Others

One option examined for contested domains was a six-month period where the Applicant can decide to participate by acquiring a lottery ticket. If only one ticket is acquired for a SLD, that person can register the SLD.

Panel members agreed that where more than one ticket is acquired for a SLD, a 3-month period was proposed to allow for the interested parties to reach agreement. The Panel noted that If no agreement is reached, then a lottery should be used to decide who can register the SLD.

Luke Summers indicated that he does not support the lottery approach, noting that he believes it is unreasonable for the protection of an organisation's brand equity to come down to a 'game of chance'.

Luke also indicated that he does not support a consensus approach to priority allocation (negotiations between conflicted registrants), noting that this has not played out well in other countries. Luke indicated that he considers the UK model for direct registration to be the only viable approach. That is, a tiered priority allocation, beginning with the extension used by the majority of registrants (com.au).

Luke Summers stated that he has not yet seen a fair and reasonable approach for implementing direct registration; and he took the opportunity to remind Panel members that it is within their remit to advise the auDA Board that direct registration cannot be effectively implemented, without negatively impacting a large number of stakeholders in the Australian internet community.

The Panel discussed privacy concerns for priority Applicants that purchase an Application Ticket for a corresponding SLD. The Panel agreed that during the Priority Registration Period, the Applicant must consent to their application being published and ensure that their contact details are correct in whois, and consent to their contact number being made available to every other person who purchased an Application Ticket for the same SLD.

Reserve List

The Panel discussed the issue of names listed on the reserve list that may want to register their name at the second level. The Panel agreed that any name on the reserve list will not be eligible for registration at the second level, unless proof of ministerial consent is provided. The Panel also noted that that the minister will need to determine who get the gets the name.

Further consultation

The Panel noted that further consultation with the Australian internet community is needed in relation to all of the topics set out above.

Item 2. Public Consultations & Item 3. Draft Timetable

Due to time, it was agreed that items 2 and 3 on the agenda will be held over to separate meetings.

The next meeting will be held on 16 March 2018.

The meeting closed at 11:15am