

NPRP Meeting - 7 September 2004

Mallesons Stephen Jaques
Level 60, Governor Phillip Tower
1 Farrer Place
Sydney

Present: Philip Argy, Keith Inman, Odette Gourley, Amin Kroll, Jo Lim, Steven Rice (observer), Derek Whitehead

Teleconference: Bruce Arnold, Brett Fenton, Sally Foreman (for Michael Wolnizer), Erhan Karabardak, Pete Marcus, Karl Schaffarczyk, Jan Webster

Apologies: Tony Blackie, Alan Davidson, Chad Gates, Gary Munitz, Bennett Oprysa, Michael Wolnizer

Actions:

- JL to draft minutes.
- DW and JL to draft recommendations and propositions, for discussion on the Panel mail list.

Discussion:

The Panel received 7 public submissions in response to the Issues Paper released on 9 August 2004 (available at <http://www.auda.org.au/nprp/nprp-index/>).

Panel members considered the comments put forward in public submissions in relation to each issue identified in the Issues Paper (the numbering below corresponds to the numbering in the paper).

1.1 Verification of registrant identity

Four submissions commented on this issue. Two were in favour of retaining verification of registrant identity, and two were in favour of adopting the .nz system, whereby a domain name can be cancelled if the registrant does not maintain correct WHOIS contact details.

The Panel noted that unlike .nz, the WHOIS database in .au does not disclose registrant contact details, therefore it would not be possible for .au domain names to be cancelled on the basis of incorrect WHOIS contact details. The .au WHOIS database discloses registrant identification details (eg. ACN, ABN, etc) and auDA policy already provides for cancellation of a domain name if the registrant does not maintain correct identification details.

Registrar representatives on the Panel advised that they make regular attempts to ensure that customers maintain accurate contact details through various mechanisms such as database cleaning, monthly newsletters, renewal reminder notices, etc.

The Panel reiterated its belief that verification of registrant identity has resulted in good data integrity in the .au registry compared with the gTLDs and other ccTLDs. The Panel agreed that there is no need to recommend a change to current policy requirements or current practices by registrars with respect to verification of registrant identification details.

1.2 Opening up .au to non-Australian registrants

Six submissions commented on this issue. Three were in favour of allowing non-Australian entities to register in .au, three were against.

Panel members were not persuaded by arguments in favour of allowing non-Australian entities to register in .au. It was noted that opening up .au to selected countries only (eg. New Zealand) would be difficult to justify on policy grounds.

The Panel agreed that there is no need to recommend a change to current policy with respect to non-Australian registrants.

1.3 Domain name licence periods

Four submissions commented on this issue. Two submissions were in favour of allowing different licence periods, one was against. Two submissions also suggested that, in line with gTLD practice, registrants be permitted to shorten their licence period to allow synchronisation of expiry dates for multiple domain names.

The Panel's general view was that there are good reasons to be more responsive to the needs of both registrants and registrars for different licence periods. The Panel noted comments that a 1 year licence period would suit registrants who want to use domain names for temporary promotions or events, while a 3 year period would be consistent with the business name registration cycle.

The Panel also saw benefits to registrants in allowing synchronisation of expiry dates for multiple domain names. (Note that the registrant would still be required to register for a full licence term, but would be able to shorten the licence period once the domain name is registered.)

The Panel considered longer licence periods (eg. 5 or 10 years) but thought that, within the current market environment, the following disadvantages outweighed any advantages:

- difficulties in keeping registrant data up-to-date
- increased risk of domain name renewal scams
- potential for registrants to hold desirable domain names without using them for a long period
- potential for registrars and resellers to go out of business in 5 or 10 years
- possible negative impact on registrar market competition at a relatively early stage of industry development.

The Panel agreed to recommend that: 1) the licence period for .au domain names be fixed at 1, 2 or 3 years, and 2) registrants be allowed to shorten the licence period in order to synchronise expiry dates for multiple domain names.

1.4 Restriction on domain names that match existing TLDs

Two submissions commented on this issue, one for and one against.

The Panel noted that the technical basis for maintaining the restriction is no longer relevant due to DNS technology developments since RFC 1535 was drafted over 10 years ago. It was further noted that in the past the restriction has been imposed inconsistently, and hence some restricted names are in fact being used with no apparent ill effect.

The Panel agreed to recommend that the restriction on domain names that match existing TLDs be removed. It was suggested that auDA may wish to implement this change in conjunction with the release of geographic names in com.au and net.au (announced by auDA on 1 September).

2.1 Eligibility criteria for net.au

Three submissions commented on this issue. One was in favour of removing the eligibility criteria for net.au, one was in favour of reintroducing the original eligibility criteria (ie. restricting net.au to technical companies only), and one thought that there may be a case for relaxing the rules in at least one 2LD but not necessarily in net.au.

The Panel noted that aligning the rules for com.au and net.au had not resulted in significant growth in net.au compared with com.au. However, there had still been a steady increase in

net.au domain names since 1 July 2002, suggesting that it retains some degree of market value as an alternative to com.au.

Discussion at the meeting indicated that there was no support for reintroducing the original eligibility criteria for net.au, and only limited support for relaxing the criteria.

Due to time constraints the Panel did not reach a consensus view and agreed to continue discussion of this issue on the mail list.

2.2 Eligibility criteria for asn.au and org.au

Three submissions commented on this issue. One was in favour of aligning the eligibility criteria for both 2LDs, and two were against.

The Panel noted comments that asn.au has failed to attract user support, and shows recent signs of declining even further. The experience of registrars is that their non-commercial customers have a strong preference for org.au; if the customer can't satisfy the eligibility requirements for org.au then they will register a .org gTLD rather than an asn.au domain name.

A majority of Panel members were in favour of responding to market demand by allowing unincorporated (or non-legal) entities to register an org.au domain name in the same way that they can currently register an asn.au domain name.

A minority of Panel members expressed concern about how to verify the identity of unincorporated entities, and the negative effect this would have on registry data integrity. Under current asn.au policy, registrants who cannot provide identification details are required to warrant that they meet the eligibility criteria. It was agreed that consideration should be given to strengthening the warranty statement in the case of org.au, in order to address concerns about registrant identity and data integrity.

The Panel agreed to continue discussion of this issue on the mail list.

3.1 Close and substantial connection rule

Six submissions commented on this issue. Five were in favour of replacing the various close and substantial categories with a general "connection warranty", and one was against.

Discussion at the meeting focused on implementation of the close and substantial connection policy, rather than changing the policy itself.

A majority of Panel members supported simplifying the current process by replacing the various close and substantial categories with a general "connection warranty". In other words, rather than requiring the registrant to specify that the domain name is a service they provide or a product they sell etc, the registrant could simply warrant that they have a general connection to the domain name. The warranty statement could be strengthened to include a warning that the registrant will be required to provide more information in the case of dispute, and may lose their domain name if the warranty proves to be false.

A minority of Panel members thought that simplifying the process could have the result of undermining the policy, because it would remove the need for registrants to demonstrate, and registrars to check, compliance with a specific policy reason.

The Panel agreed to continue discussion of this issue on the mail list.

3.2 Exact match, abbreviation and acronym

Six submissions commented on this issue. Five were in favour of replacing the exact match, abbreviation and acronym with a general "connection warranty", and one was against.

This issue is closely related to 3.1 and the Panel agreed to conflate the two and continue discussion on the mail list.

3.3 Allocation criteria for id.au

Three submissions commented on this issue. One was in favour of making id.au "open slather", one was in favour of relaxing the rules "if evidence can be provided that the current rules are demonstrably limiting take up of id.au", and one observed that the current rules were not being enforced.

The Panel noted that the current guidelines for id.au (auDA Published Policy 2003-07) allow the registration of nicknames, but that this is not reflected in the policy for id.au (auDA Published Policy 2002-07).

There was no support among Panel members for relaxing the rules any further to allow registrants to register any name they like (eg. commercial names).

The Panel agreed to recommend that the policy for id.au (2002-07) be amended to reflect the guidelines for id.au (2003-07).