

NPRP Meeting - 13 October 2004

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

Maddocks
Level 7
140 William Street
Melbourne

Present (Sydney): Philip Argy, Odette Gourley, Sara Kerum, Gary Munitz, Bennett Oprysa, Steven Rice (observer), Derek Whitehead

Present (Melbourne): Erhan Karabardak, Jo Lim, Jan Webster

Teleconference: Bruce Arnold, Alan Davidson, Brett Fenton, Sally Foreman (for Michael Wolnizer), Mark Hughes, Pete Marcus

Apologies: Tony Blackie, Chad Gates, Tony Hill, Keith Inman, Karl Schaffarczyk, Michael Wolnizer

Actions:

- JL to draft minutes.
- DW and JL to draft report to auDA Board, for finalisation on the Panel mail list.

Discussion:

1. Second Public Consultation

The Panel received 5 public submissions in response to the Draft Recommendations released on 23 September 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 draft recommendation.

1. Verification of registrant identity

One submission commented on this issue, in support of the recommendation.

The Panel confirmed its recommendation that no changes be made to policy rules relating to the verification of registrant identity, other than those proposed in relation to the eligibility criteria for org.au and asn.au (see recommendation 6).

2. Opening up .au to non-Australian registrants

One submission commented on this issue, in support of the recommendation.

The Panel confirmed its recommendation that no changes be made to the current general rule that registrants must, with three exceptions, be Australian.

3. Domain name licence periods

Three submissions commented on this issue. One supported the recommendation, one was in favour of allowing 1-10 year licences, and one suggested allowing 1 year licences for id.au only and 2-10 year licences for com.au, net.au and org.au.

The Panel reiterated its views on the importance of keeping registrant data up to date, but acknowledged that regular renewal periods are not the only (nor the most effective) way of prompting registrants to update their contact details.

The Panel noted arguments that allowing 1-10 year licences would align the .au domain with the gTLDs, however the Panel also noted that the .au domain is not aligned with gTLDs in many other ways.

A majority of Panel members considered 10 year licences unnecessary and undesirable, for the following reasons:

- the market demand for 10 year licences is estimated (by Melbourne IT) to be less than 1%
- most businesses change a lot in 10 years, and many small businesses fail within the first 2-5 years
- it may create additional regulatory burdens on auDA, eg. auDA may be required to introduce special consumer protection measures in relation to longer licence periods
- it is not appropriate to align domain name registration periods with trademark registration periods, as domain names do not confer the same legal rights as trademarks.

All Panel members were in favour of replacing the current fixed 2 year licence with 1-3 year licences. Some Panel members preferred longer (5 and 10 year) licences, but were prepared to support the majority recommendation.

The Panel confirmed its recommendation that:

- the licence period for .au domain names be fixed at 1, 2 or 3 years; and
- registrants be allowed to shorten the licence period in order to synchronise expiry dates for multiple domain names.

Panel members noted that implementation would be a matter for auDA to negotiate with AusRegistry under the terms of the current registry licence agreement (due to expire in June 2006).

4. Restriction on domain names that match existing TLDs

No submission commented on this issue.

The Panel confirmed its recommendation that the restriction on domain names that match existing TLDs be removed.

5. Eligibility criteria for net.au

No submission commented on this issue.

The Panel confirmed its recommendation that no changes be made to the current eligibility criteria for net.au.

6. Eligibility criteria for asn.au and org.au

Three submissions commented on this issue. Two supported the recommendation, one was against.

Two Panel members stated their opposition to the recommendation on the basis that allowing unincorporated entities to register org.au domain names may have a negative impact on the integrity of the org.au 2LD.

The Panel confirmed its recommendation that:

- the eligibility criteria for org.au and asn.au should be combined and applied to both 2LDs; and

- auDA strengthen the registrant warranty statement, and include a more explicit warning about the consequence of false warranty, to make it easier to revoke a domain name licence for false warranty or bad faith.

7. Allocation criteria - exact match, abbreviation, acronym, close and substantial connection rule

One submission commented on this issue. It supported the recommendation in theory, but noted that the registrant warranty statement must be enforced by registrars and auDA in order for it to be effective.

A majority of Panel members were in favour of simplifying the domain name application process for both registrars and registrants. It was suggested that the low number of complaints since 1 July 2002 shows that registrants are not making false warranties to obtain domain names in bad faith.

The Panel agreed that the registrant warranty statement should include a more explicit warning that registrants who are unable to substantiate their close and substantial connection claim will have their domain name licence revoked.

The Panel also agreed that the allocation criteria in Attachment B of the Draft Recommendations should not apply to id.au; the allocation criteria for id.au are to be dealt with separately (see recommendation 8).

The Panel confirmed its recommendation that there be no change to the current allocation criteria for asn.au, com.au, net.au and org.au. With respect to implementation of the allocation criteria, the Panel recommends that:

- the different allocation criteria should be reorganised into two categories; and
- auDA strengthen the registrant warranty statement, and include a more explicit warning about the consequence of false warranty, to make it easier to revoke a domain name licence for false warranty or bad faith.

8. Allocation criteria for id.au

No submission commented on this issue.

The Panel confirmed its recommendation that the policy be amended to reflect the guidelines, by providing specifically that a registrant may register any personal name by which they are known (ie. a nickname).

2. Next Steps

The Panel's final report to the auDA Board will be finalised on the mail list. The aim is to present it to the Board by the end of October.

DW thanked members of the Panel for their courtesy, high level of participation and cooperation in producing useful outcomes, and thanked Mallesons, Maddocks and Minter Ellison for hosting meetings of the Panel in Sydney and Melbourne.