

Board Minutes - 8 May 2001

Public Version

Meeting of the .au Domain Administration Board

8 May 2001 - 1.00pm

.au Domain Administration Limited, Level 7, 50 Queen Street, Melbourne

Present:

Chris Chaundy, Greg Crew, Patrick Corliss, Kim Davies, Chris Disspain, Craig Hand, Kim Heitman, David Keegel, Jo Lim, Iain Morrison, Erica Roberts, Tony Staley, David Thompson, Liz Williams

Teleconference:

Michael Malone

Observers:

Donna Austin (NOIE) and Derek Whitehead

Apologies:

Greg Watson

1. Final Report of the Name Policy Advisory Panel

The Board noted advice from Maddock Lonie & Chisholm, that directors must act in the best interests of auDA in deciding whether or not to accept the Panel's recommendations. The Board agreed that it cannot change the wording of the report. Instead, any ambiguities or inconsistencies in the Panel's recommendations will be addressed in auDA's implementation strategy.

The Board passed the following resolutions with regard to the Name Panel's final report:

1. That the Board accepts Recommendation 3.1, that there is no restriction on the number of domain name licences that may be held by a single entity.
2. That the Board accepts Recommendation 3.2, that all domain name licences are subject to a renewal period, to be specified by auDA, or by the relevant 2LD administrator subject to ratification by auDA. Board comment: The imposition of a renewal period is an administrative change, not a policy change. Therefore, the 'grandfathering' provision in Recommendation 3.8 does not apply to this recommendation.
3. That the Board accepts Recommendation 3.3, that domain name licences are allocated on a first come, first served basis. Board comment: This principle is important and should stand alone from the other recommendations.
4. That the Board accepts Recommendation 3.3 a, that the domain name licence applicant must be an Australian entity.
5. That the Board accepts Recommendation 3.3 b, that the proposed use of the domain name licence must fit the purpose specified for the relevant 2LD.
6. That the Board accepts Recommendation 3.3 c, that there must be a 'good faith' intention to use the domain name licence for the purpose envisaged by the relevant 2LD.
7. That the Board accepts Recommendation 3.3 d, that purposes that would not be considered 'in good faith' include but are not limited to those listed at (i)-(iv) in the report. Board comment: Recommendation 3.3 d (ii) should be extended to cover Internet services other than web sites. The implementation strategy will need to address enforcement mechanisms.

8. That the Board accepts Recommendation 3.3 e, that the domain name licence applicant must agree to be bound by any Dispute Resolution Procedure specified by auDA. Board comment: The introduction of a Dispute Resolution Procedure is an administrative change, not a policy change. Therefore, the 'grandfathering' provision in Recommendation 3.8 does not apply to this recommendation.

9. That the Board accepts Recommendation 3.4, that there must be a substantial and close connection between the domain name and the domain name licence holder, to be demonstrated by the methods listed at 3.4 b (i) and (ii) in the report. Board comment: This recommendation will help to prevent cybersquatting and domain name hoarding. The implementation strategy will need to address how this recommendation would be applied objectively by multiple registrars, preferably by automated check (for example, by use of a registrant warranty).

10. That the Board accepts Recommendation 3.5, that domain names that begin with a number are allowed.

11. That the Board accepts Recommendation 3.6, that domain names that match TLDs are not allowed. Board comment: This recommendation should apply only to domain names that match TLDs that are in existence at the time of application. In the situation where a registered domain name subsequently becomes a TLD, then auDA should reserve the right to revoke the domain name in the event of misuse (ie. if the licence holder is exploiting the technical problem described in RFC 1535 and using the domain name in bad faith).

12. That the Board accepts Recommendation 3.7, that a 'reserved list' approach be adopted for domain names that may not be licensed. Board comment: auDA will need to develop a process for deciding what words to place on the reserved list, as part of the implementation strategy. For example, words that are protected under statute can be gleaned from existing lists (eg. ASIC, IP Australia). Any other words to be included on the list will require careful consideration.

13. That the Board accepts Recommendation 3.8, that changes to domain name eligibility and allocation policies do not have retrospective effect for current domain name licence holders. Board comment: The intention of the recommendation is that the new policy will only apply to existing domain name licences if the licence is re-registered to a different entity, or when the existing licence holder's licence is not renewed. As noted above, this recommendation applies only to policy changes, and does not apply to administrative changes such as the imposition of a renewal period or introduction of a Dispute Resolution Procedure.

14. That the Board accepts the recommendation in Schedule A, that an Australian Registered Trade Mark be included as an eligibility criterion for a domain name.

15. That the Board accepts the recommendation in Schedule A, that an application for an Australian Registered Trade Mark be included as an eligibility criterion for a domain name.

16. That the Board agrees, in principle, that the prohibition on generic domain names in the com.au 2LD should be removed.

Board comment: The prohibition on generic domain names in com.au should be removed, subject to agreement on an appropriate method of allocation. The Board decided to reserve its position on geographic domain names until it receives the Panel's report on new second level domains.

The Board commended the Panel for its report, and thanked Derek Whitehead for his work and wisdom as Chair of the Panel.

Action: CEO to issue a media release announcing the Board's acceptance of the Panel's report.

Action: CEO and CPO to draft an implementation strategy for the changes to domain name policy arising from the Board's acceptance of the Panel's report.

Action: CEO and CPO to draft a policy paper for the Board regarding the allocation of generic domain names.

Next Meeting The next board meeting will be held at the auDA office on Monday 9 July, 10am.