

Board Minutes - 19 April 2004

Public Version

Meeting of the .au Domain Administration Board

19 April 2004 - 1.00pm

.au Domain Administration Limited, 107 Faraday Street. Carlton VIC 3053

Present:

Larry Bloch, Chris Disspain, Kim Heitman, Jo Lim, Peter Nissen, Josh Rowe, Peter Shilling, Tony Staley

Teleconference:

Cheryl Langdon-Orr

Observers:

Lindsay Barton (NOIE) and John Higgins (Hayes Knight)

Apologies:

Greg Crew and Greg Watson

1. Continuous Disclosure

There were no matters to be disclosed.

2. Confirmation of Minutes

The minutes of the February 2004 meeting were confirmed.

3. Finance Report

The board noted the finance report, previously approved by the Finance Committee.

Reserve targets and a possible reduction in the auDA Domain Name Fee will be considered by the board as part of the 2004/05 budget.

Action: Finance Committee to prepare draft 2004/05 budget for decision at the June board meeting, including the timing and amount of a possible reduction in the auDA Domain Name Fee.

Action: JH to respond to a question about receivables listed in the March accounts.

4. CEO Report

The following issues were noted:

auDA Foundation

TS and CD met with Assistant Treasurer Senator Helen Coonan in March. Further work will be required to obtain deductible gift status for the Foundation.

In the meantime, the Foundation directors will continue to draft proposals for operating procedures and grant selection criteria.

Action: Foundation directors to submit proposals to the board for discussion by email, prior to decision at the June board meeting.

Domain Names Australia

Justice Finkelstein handed down his decision on 8 April. His Honour found that:

notices sent by DNA in July and September 2003 constituted conduct that was misleading or deceptive or likely to mislead or deceive in contravention of s.52 of the TPA; and

Chesley Rafferty was knowingly concerned in DNA's contraventions of the TPA.

DNA and Rafferty will be subject to an injunction restraining them from further breaching s.52 of the TPA for 3 years, and the court will make further orders in relation to the class action in due course. DNA has advised that it intends to lodge an appeal.

The board noted that the class action has resulted in increased public awareness and media coverage of the issues. There is an opportunity for auDA to push its key consumer safeguard messages, eg. the importance of using an accredited registrar or appointed reseller.

Action: CD to circulate advice from Maddocks regarding next steps for the class action.

legacy net.au and org.au domains

auDA has commenced a project aimed at getting legacy net.au and org.au registrants to transfer and renew their domain name through an accredited registrar. Registrants will be contacted by email, post and finally by telephone.

Depending on the number of registrants who still have not transferred before the end of June, auDA may implement special measures to minimise the risk that registrants will lose their domain name.

5. Policy Development

Competition Model - registry

auDA's competition policy model (adopted by the board in 2001) envisages competition at the registry level by way of regular tender. This led to auDA awarding a 4 year registry licence to AusRegistry which commenced on 1 July 2002. Developments since then, in particular the board's decision to create new 2LDs, have exposed some problems with the registry tender model.

The board agreed to convene a new Advisory Panel to review competition at the registry level, taking into account the introduction of new 2LDs, current market realities and the experience of the 2001 tender process.

Action: auDA staff to draft terms of reference for the panel, for consideration at the June board meeting.

Other activities

The board noted the following policy development activities that are scheduled to take place in 2004:

- finalisation of policy for community geographic 2LDs
- public consultation re geographic names restriction in com.au and net.au
- panel review of eligibility and allocation rules for open 2LDs
- panel review of registry competition (see above)
- annual Code of Practice review

ongoing policy clarifications (on an ad hoc basis).

6. Membership

The members listed below were accepted in the classes indicated.

Australian Online Solutions P/L (Demand)

Matthew Carter (Demand)

Michael Purse (Demand)

The board considered a membership application from the Australian Trademark Centre Pty Ltd, nominee James Guy. The board noted that Guy and Associates, nominee James Guy, was expelled by auDA members at the 2003 AGM for conduct detrimental to the interest and/or objects of auDA. The board resolved that it would not be appropriate to accept the Australian Trademark Centre Pty Ltd as a member of auDA at this time.

Action: CD to write to the Australian Trademark Centre Pty Ltd giving reasons for the board's decision not to accept its membership application.

7. Board correspondence

LBarton tabled a letter from John Grant A/g Australian Government Chief Information Officer regarding organisational changes affecting NOIE.

8. Other Business

KH queried whether there were any implications in relation to auDA's WHOIS and dispute resolution policy arising from the US-Australia Free Trade Agreement. LB advised that in NOIE's view, the wording of the Agreement does not require any changes to auDA policy.

9. Next Meeting

The next board meeting will be held on Tuesday 15 June 2004.