NEW 2LDS ADVISORY PANEL

DISCUSSION PAPER, APRIL 2010

WHAT THIS PAPER IS ABOUT

This paper is about the possibility of creating new second level domains (2LDs) in the Australian (.au) domain name system. An Advisory Panel has been established by auDA (the Australian Domain Name Administrator) to look at two matters:

- new 2LDs in general; and
- specific suggestions for creating new 2LDs or changing existing 2LDs.

The first part of the paper invites you to comment on how new 2LDs are created. It details the current auDA policy, including the criteria for creating a new 2LD. The core of these is that it must be in the public interest, and there are no proprietary rights in a 2LD. We welcome your comments on these principles.

The second part of the paper considers several proposals for two little-used existing 2LDs (info.au and conf.au) and also proposals for two suggested new 2LDs (blog.au and event.au). This section sets out the Panel's thoughts on these proposals, and invites your comments.

auDA's role is to administer the .au domain space on behalf of the Australian community. Australian domain name policies are created in a highly consultative process to which all Australians are invited to contribute. We welcome your comments and suggestions.

HOW TO SUBMIT YOUR COMMENTS

There are two ways in which you can comment on the issues raised in the paper.

1. Send a written submission to:

Jo Lim
Chief Policy Officer, auDA
email: jo.lim@auda.org.au
fax: 03 8341 4112

Electronic submissions are preferred. All submissions will be posted on the auDA website within 2 working days of receipt, unless clearly marked confidential.

The closing date for submissions is Sunday 23 May 2010.

2. Complete the online survey at http://www.surveymonkey.com/s/3GWKKM9.

The survey will close on Sunday 23 May 2010.

BACKGROUND

In December 2009 the auDA board established the New 2LDs Advisory Panel to:

- evaluate proposals for the creation of new second level domains (2LDs) against the approved selection criteria;
- consider proposals for the reactivation of conf.au and info.au; and
- provide recommendations to the auDA board.

Full text of the Panel's Terms of Reference, a list of Panel members and minutes of Panel meetings to date, are available on the auDA website at
http://www.auda.org.au/new2ldsap/new2ldsap-index/.

Under its Terms of Reference, the Panel is required to undertake at least two rounds of public consultation, to ensure that its recommendations to the auDA board have been properly canvassed with, and informed by, key stakeholders and the general community.

This Discussion Paper has been drafted as a result of general deliberations by the Panel at its first meetings. The purpose of the Discussion Paper is to invite comments on:

- the creation of new 2LDs in general, and auDA's current policy and process for new 2LDs; and
- the Panel's initial views on the eight proposals for new 2LDs, conf.au and info.au received by auDA in 2009.

Following this first phase of consultation, the Panel will publish its draft recommendations for further public comment before providing its final report to the auDA Board.

GLOSSARY

Term	Definition
2LD	Second level domain, ie. a name at the second level of the .au domain name hierarchy (eg. com.au)
3LD	Third level domain, ie. a name at the third level of the .au domain name hierarchy (eg. domainname.com.au)
auDA	.au Domain Administration Ltd
ccTLD	Country Code Top Level Domain (eg. .au, .uk)
DNS	Domain Name System
gTLD	Generic (or Global) Top Level Domain (eg. .com, .biz)
Registrant	An entity or individual that holds a domain name licence
Registrar	An entity that registers domain names for registrants and is accredited by auDA

1. NEW 2LD POLICY AND PROCESS

1.1   The last time that auDA considered the creation of new 2LDs was in 2002-03. All documentation relating to this process is archived on the auDA website at http://www.auda.org.au/nnap/nnap-index/.

1.2   The Advisory Panel at that time undertook a thorough examination of the policy issues associated with introducing new 2LDs. The main principles that emerged were that:

- a new 2LD must be **in the public interest**; and
- **no proprietary rights** should attach to a 2LD.

These principles were enunciated in two reports produced by the Panel, which were endorsed by the auDA Board and have since been incorporated into auDA's policy framework for the .au domain:

- Interim Report to the auDA Board, October 2002 at http://www.auda.org.au/nnap/nnap-index/; and
- Process for Future Consideration of New 2LD Proposals, April 2003 at http://www.auda.org.au/pdf/nnap-process-final.pdf.

Public interest

1.3   The Panel's view is that, in essence, the public interest lies in making the .au DNS better. The key consideration is whether the .au DNS will be improved by creating the proposed new 2LD. These issues were canvassed in the 2002-03 consideration of new 2LDs and were summarised in that Panel's Interim Report to the auDA Board, which was approved by the auDA Board in November 2002. The Panel found that determining the public interest as it relates to a new 2LD, requires careful consideration of the following issues:

- Preservation of integrity and usability of the .au domain space:

  Diversity. A considerable amount of diversity can be accommodated in the DNS without compromising its usability and the integrity of the .au regulatory framework. There is no reason to limit the number of 2LDs, but new 2LDs that merely duplicate existing 2LDs should be avoided.

  Usability. Users of the existing Australian DNS currently benefit from the guessability and memorability of domain name extensions such as com.au and org.au, and the ability to identify the type of registrant from the name of the 2LD.

  Actual names. In relation to the actual names of 2LDs, the use of simple nouns (or 3-4 letter abbreviations of them) and generic terms (such as "org" and "com") are considered more suitable than more specific terms (such as "charity" or "company").

- DNS hierarchy issues:

  Hierarchy. A hierarchy of names does not exist now, and cannot be effectively created. The current 2LDs are not the same kind of thing as each other and overlap substantially; many entities could legitimately have domain names in most of them simultaneously. The DNS should not be viewed as a static structure but a dynamic system that is capable of change in order to meet the needs of users.

  Simplicity. The simpler the structure, the more likely it is to be understood. This is axiomatically the case, but does not mean that a more diverse and complex 2LD structure could not be justified by its benefits. Users will adapt to change quickly if there

is a compelling advantage to them to do so (compare the introduction in Australia of the mobile phone with pay TV).

Conservation or rationing of names. There is a related principle of parsimony, which suggests that domain names are a scarce resource. In fact, there is no reason why entities should not have a number of domain names, and this is borne out by the current practice of many registrants in all domains.

- Purpose of the DNS:

"Appropriate" purposes. It is not possible to say that some purposes of 2LDs are appropriate, and others are not. The reality is that domain names are used for a variety of purposes, and that decisions on this are best made by the users of domain names. In practice, domain names have as much significance (or more) in relation to identity, branding, and marketing as they do for purposes of locating an entity.

Online identity and branding. There are alternatives to the use of domain names in improving online identity and branding, however, the Panel believes that a new 2LD is a valid consideration for a community of interest seeking to promote itself or enhance its find-ability on the internet.

- Precedent-setting:

Precedents and future demand. It is important to bear in mind that the creation of a new 2LD is likely to set a precedent for similar types of 2LDs. The creation of a 2LD for a specific interest group will imply that this is a legitimate action, and will lead to other interest groups requesting names to be created for them (although the creation of a precedent-setting 2LD does not automatically mean that there will be a flow on in demand).

- Commercial considerations:

Competition. There is an issue of whether the 2LD can be supported by a competitive market of registrars using objective policy guidelines and existing technical processes. The majority of commercial registrars will not choose to offer a new 2LD unless they believe that there is a likelihood of strong customer demand, or alternatively that it may give them an advantage over their competitors.

User demand. Demand can be measured not just by the number of registrants that would register a domain name within the new 2LD, but also in terms of the internet users who are likely to use the resultant domain names, which in turn can drive the demand of registrants to register names. Experience with new gTLDs at the international level, and the community geographic domain names at the local level, has shown that just creating the new domain does not on its own generate user demand.

Sustainability. The level of demand is related to sustainability. Sustainability is a core concern for auDA, since the creation of a new 2LD involves a cost, and the drift of a 2LD into a non-sustainable state involves both direct costs, and costs to the credibility of the system as a whole. Currently, 85% of registrations take place in com.au, and it is likely that this pattern will substantially continue, regardless of the creation of new 2LDs.

Costs and risk. The costs and risk of a new 2LD will be borne in part by auDA, and spread over the full range of industry players. It is therefore important that the decision to create a new 2LD addresses these issues. Sustainability is not about the ability of powerful entities to act as "guarantor" for the 2LD, but relates to proven demand and support for a 2LD, and willingness to use and pay for it, from a diverse community in many or most cases.

No proprietary rights

1.4   The second key policy principle underlying the creation of new 2LDs is that no proprietary rights should attach to a 2LD. The Panel in 2002-03 concluded that it would not be in the public interest to approve proposals for new 2LDs which primarily serve to enhance the legitimacy or authority of a single organisation or individual.

1.5   In the existing 2LD hierarchy, auDA is the registrant of all 2LDs[1], in its capacity as administrator of the .au domain space. In the case of edu.au and gov.au, auDA has delegated policy authority to the relevant entity, but auDA remains the registrant of the 2LD. There are policy, legal and technical reasons why this arrangement is both necessary and desirable:

- it enables the implementation and enforcement of a consistent policy and regulatory framework across all .au 2LDs;
- it reflects auDA's legal responsibility as the administrator of the .au ccTLD and its associated 2LDs, as outlined in auDA's Constitution; and
- it supports the technical security and stability of the .au DNS.

Process

1.6   The two principles discussed above have informed the process adopted by auDA for the creation of new 2LDs. The process is explicitly non-commercial and non-proprietary. Proponents of new 2LDs must agree to waive any rights in the proposal, and must show strong evidence of user support. Proposals for new 2LDs are evaluated by an independent Advisory Panel of relevant stakeholders, which is required to undertake public consultation to ensure that new 2LDs are thoroughly examined and widely canvassed.

1.7   During the 2002-03 process, auDA received 17 proposals for new 2LDs. Only one proposal was recommended by the Panel at that time, to create eight new 2LDs for the Australian states and territories to allow community use of geographic domain names. The proponent submitted extensive documentation addressing the selection criteria, including numerous letters of support from relevant stakeholders, community groups and governments at all levels. Further support for the proposal was garnered from public consultations held by the Panel at the time. As the only successful new 2LD proposal to date, it provides a model of how the process is intended to work.

1.8   The Panel notes that it has been eight years since auDA formulated its new 2LD policy and process, and that only two proposals for new 2LDs have been received this time around. Whilst it is not required to do so under its terms of reference, the Panel believes that it is reasonable and appropriate for it to provide feedback to the auDA Board on auDA's 2LD policy and process for new 2LDs.

1A
The Panel invites comments on the creation of new 2LDs in general, including auDA's current policy and process for the creation of new 2LDs.

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[1] The sole exception is csiro.au, for historical reasons.

2. PROPOSALS UNDER CONSIDERATION

2.1   auDA issued a Call for Proposals for New 2LDs and a Call for Proposals for conf.au and info.au, on 1 October 2009. auDA received two proposals for new 2LDs (blog.au and event.au), two proposals for conf.au and one proposal for info.au. In addition, auDA staff submitted three proposals for info.au. All proposals are published on the auDA website at http://www.auda.org.au/new2ldsap/new2ldsap-index/.

2.2   Proposals for new 2LDs will be evaluated against the following selection criteria, which have been approved by the auDA Board:

1. The 2LD should serve the needs of users, or a community of users, that are not well served by the existing 2LDs. A proposal should define a user group and indicate clearly why its needs are not as well served at present as they would be with the proposed new 2LD. "Users" included both registrants and non-registrants who may benefit from or use the 2LD.

2. There must be clear support for the 2LD, in particular among the users it is intended to serve, and in general terms from the wider community. "Users" includes both registrants and non-registrants who may benefit from or use the 2LD. Strong evidence of support should be provided. Reasonable objections to the creation of the new 2LD from the wider community during public consultation, will be taken into account.

3. The 2LD should contribute to the broad utility of the Australian DNS and be generally relevant to users. "Users" include both registrants and non-registrants who may benefit from or use the 2LD. For example, a 2LD that is not of benefit, use or interest to most users of the Australian DNS will generally not be acceptable.

4. The 2LD must be consistent with the existing .au 2LD hierarchy and otherwise compliant with auDA policies.

2.3   The Panel has evaluated the proposals for blog.au and event.au against the selection criteria, and considered the proposals for conf.au and info.au, and offers its preliminary views below. **The Panel is keen to emphasise that its deliberations are still at an early stage, and it remains open to feedback from the public as to the potential benefit and utility of the 2LDs under consideration.**

blog.au
2.4   The proposal for blog.au states that its purpose would be "to provide a specific 2LD that Registrants could use for when they wanted to establish a website for blogging purposes." The intended users of blog.au would be all Australian entities and individuals who wish to establish a blog about a specific topic (eg. football.blog.au).

2.5   The Panel has conducted a preliminary evaluation of the proposal against the selection criteria (refer to paragraph 2.2 above), and its findings are as follows:

1. The Panel's view is that the needs of bloggers are already accommodated because there is no restriction of people setting up blogs within any of the existing 2LDs.

2. The Panel notes that the proponent has not provided any evidence of support for blog.au among intended users, or the wider community.

3. Given the lack of evidence of user support (see 2 above), the Panel does not have sufficient information to judge the proposal against this criterion at this time. It notes that the creation of a blog.au 2LD would not of itself improve the ability of users to

blog in a technical sense, although it may enhance the ability of users to brand their blog.

4. The Panel notes that the name "blog" is format specific, which is at odds with the more generic names of the existing 2LDs. The proposed policy rules would require auDA to enforce a specific type of web content, which is also in contrast to the policy rules for existing commercial 2LDs.

2A

The Panel invites comments on the proposal to create blog.au as a new 2LD, with reference to the selection criteria:

- would blog.au serve the needs of users, or a community of users, that are not well served by the existing 2LDs?

- is there support for blog.au, in particular among the users it is intended to serve, and in general terms from the wider community?

- would blog.au contribute to the broad utility of the Australian DNS and be generally relevant to users?

- would blog.au be consistent with the existing .au 2LD hierarchy and otherwise compliant with auDA policies?

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event.au and conf.au

2.6 The Panel has decided to consider the event.au and conf.au proposals together, as they are both based on the premise that there is a need for an events-related 2LD.

2.7 The proposal for event.au states that its purpose is to "consolidate the event industry across Australia". The proponent of event.au has suggested that it be introduced as a replacement for conf.au, in order to "broaden the eligibility for all types of events". The intended users of event.au would be Australian entities who wish to register a domain name for an event (defined as meetings, conferences, seminars, exhibitions, fairs, festivals, fetes, tournaments, races, games, dances, parades, performances or parties).

2.8 The Panel has conducted a preliminary evaluation of the proposal against the selection criteria (refer to paragraph 2.2 above), and its findings are as follows:

1. The Panel's view is that the needs of users are already accommodated because conference organisers and event managers can register domain names in existing 2LDs, under the "close and substantial connection rule".

2. The Panel notes that the proponent has not provided any evidence of support for event.au among intended users, or the wider community..

3. Given the lack of evidence of user support (see 2 above), the Panel does not have sufficient information to judge the proposal against this criterion at this time.

4. The Panel believes that the proposal meets this criterion; the name "event" is generic, and the proposed policy rules would be consistent with policy rules for existing commercial 2LDs.

2.9 Of the two proposals to reactivate conf.au, one (Walsh) supports the narrow focus of the original 2LD on conferences and exhibitions, while the other (Tearle) suggests that the 2LD could be expanded to include a wider range of events. Both proponents argue that the utility of conf.au has already been demonstrated through past use (eg. linux.conf.au, bestforwomen.conf.au).

2.10   The main question raised by Panel members is whether there is any evidence of user demand, or support for an events-related 2LD from among the intended user group. The Panel would be interested to know if conference organisers (including professional or commercial conference organisers), event managers and the like, see any benefit or utility in an events-related 2LD.

2.11   The Panel believes that it would not be desirable to have both conf.au *and* event.au. Panel members feel that "event" is a more intuitive name and would have a wider application and appeal than "conf". If a case cannot be made out for the creation of event.au, then it follows logically that there is also no case for the reactivation of conf.au. Either way, the Panel's view is that conf.au should be closed down.

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2B

The Panel invites comments on:

(i) the proposal to create event.au as a new 2LD, , with reference to the selection criteria:

- would event.au serve the needs of users, or a community of users, that are not well served by the existing 2LDs?

- is there support for event.au, in particular among the users it is intended to serve, and in general terms from the wider community?

- would event.au contribute to the broad utility of the Australian DNS and be generally relevant to users?

- would event.au be consistent with the existing .au 2LD hierarchy and otherwise compliant with auDA policies?

and

(ii) its view that conf.au should be closed down.

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info.au

2.12   Four proposals for info.au were received.

For registrants who are not eligible in any other 2LD (AusRegistry)
2.13   The proposal is to make info.au domain names available only to registrants who are not eligible to register in any of the existing 2LDs. The Panel's view is that this proposal does highlight a perceived gap in the market. The proponent focuses on individuals or informal groups who are not eligible to register domain names in the other 2LDs, however the Panel feels that this could be expanded to include people who are eligible but who do not want the "commercial" or "non-profit" association implied by com.au/net.au or asn.au/org.au domain names. Whilst it believes there may be scope to introduce a 2LD with more relaxed eligibility criteria, the Panel is not in favour of info.au being used as an "open slather" domain space, which would undermine the integrity of the .au policy framework.

For "major information resources" (auDA staff)
2.14   The proposal is to reactivate info.au for its original purpose, for "major information resources". The Panel feels that "major information resource" would be too hard to define and enforce. The Panel also notes that most official or authoritative information resources are already hosted under gov.au or edu.au domain names.

For premium commercial registrations (auDA staff)
2.15   The proposal is to change info.au into a "premium" commercial 2LD, with more

restrictive policy rules than com.au and net.au. The Panel is concerned about reactivating info.au only for it to be filled with defensive registrations by registrants who already hold com.au and/or net.au domain names.

Close it down (auDA staff)

2.16   The proposal is to close down info.au, due to the apparent lack of public demand or interest, rather than keep it suspended indefinitely. The Panel is inclined to agree with this notion, in the absence of any compelling proposal for reactivation.

2C
The Panel invites comments on the proposals to reactivate info.au, in particular:

- the suggestion to expand the proposal from AusRegistry to include people who are eligible to register in any of the existing 2LDs but do not want to

- the view that major information resources are already well served

- the concern that a premium commercial space would only result in defensive registrations

- the view that info.au be closed down in the absence of any compelling proposal for reactivation.

3
The Panel invites any other comments that may be relevant to its consideration of new 2LDs.