auDA New Names Advisory Panel

PROCESS FOR FUTURE CONSIDERATION OF NEW 2LD PROPOSALS

Report to auDA Board, April 2003

1. Introduction

The Terms of Reference of the New Names Advisory Panel require it to "recommend a process for future consideration of new 2LD proposals by auDA on an ongoing basis". Refer to http://www.auda.org.au/policy/panel-newname-2002/tor.html

The Panel believes that the creation of a new 2LD represents a significant effort, and implies a range of actual and potential changes to the Australian DNS. It requires careful consideration by the relevant stakeholders, in a consistent way and in accordance with auDA policies.

This report recommends that auDA's existing policy development process be used to consider proposals for new 2LDs. That is, auDA would appoint an independent Advisory Panel to evaluate proposals and provide recommendations to the auDA Board. The process would include at least two rounds of public consultation on each new 2LD proposal before it was accepted or rejected by auDA.

The Panel also recommends that new 2LD proposals should include certain mandatory elements, as well as meeting stated selection criteria.

2. Submission and Evaluation Process

General Principles
The Panel recommends that the following principles apply to the submission and evaluation of new 2LD proposals:
- The creation of a new 2LD must be in the public interest. auDA will not approve proposals for new 2LDs which primarily serve to enhance the legitimacy or authority of a single organisation or individual.
- auDA has a preference for open 2LDs (see section 6). Proposals for closed 2LDs will require a higher standard of supporting information and justification.
- The proposer will be required to waive any rights in the proposal; auDA will not consider proposals in which the proposer or another entity asserts proprietary rights.
- All proposals will be published on the auDA website. auDA will use the consultation stages of the process to ensure that the final form of any proposal meets the mandatory elements and selection criteria, and that members of the user and wider community have had adequate opportunity to express their views on the proposal.

- auDA will reserve the right to seek further information from the proposer, or to request that the proposer provide further evidence of support for the proposal, or obtain other information for provision to the Advisory Panel and/or auDA Board on request.

Submission Process
- Proposals for new 2LDs may be submitted to auDA at any time.
- Proposals must include the mandatory elements (see section 4), and may include other supporting information at the discretion of the applicant.
- Proposals will be reviewed by auDA staff to ensure compliance with the mandatory elements. If a proposal is non-compliant, it will be returned to the applicant.
- A proposal will not be considered if it is materially the same as a proposal that has been rejected by the auDA Board in the past 12 months.
- Compliant proposals will be published on the auDA website.

Evaluation Process
- Proposals will be considered by an auDA Advisory Panel (see section 3) up to three times a year, at times to be advertised by auDA.
- The Advisory Panel will evaluate each proposal against the selection criteria (see section 5) and provide recommendations on each proposal to the auDA Board.
- The Advisory Panel will hold at least two rounds of public consultation, to give interested parties the opportunity to comment on:
    o the proposal itself; and
    o the Panel's draft recommendations to the auDA Board.
- The Advisory Panel may refer the proposal back to the proposer to provide further information or to consider suggested amendments.

3. Advisory Panel

auDA has procedures in place for the appointment of an Advisory Panel - refer to http://www.auda.org.au/policy/procedures.html

The Panel recommends that auDA appoint a standing New 2LDs Advisory Panel rather than a series of ad hoc Advisory Panels, for reasons of administrative efficiency and policy continuity.

4. Mandatory Elements

The Panel recommends that the following elements be required to be included in proposals for new 2LDs:

a. The actual name proposed for the 2LD (eg. "name.au").
b. The purpose of the 2LD. Refer to the list of existing 2LDs at http://www.auda.org.au/register
c. The intended users of the 2LD (including both registrants and non-registrants who may benefit from or use the 2LD) and an estimate of the number of eligible registrants in the 2LD.

d. A statement addressing the Selection Criteria for new 2LDs.
e. The proposed eligibility criteria and allocation rules that would apply in the 2LD. Refer to the eligibility criteria and allocation rules for open 2LDs at http://www.auda.org.au/policy
f. The proposed arrangements for management of the 2LD (see section 6).

5. Selection Criteria

The Panel believes that the four selection criteria used in auDA's Call for Proposals, May 2002 are appropriate benchmarks for determining whether a proposed new 2LD would be a positive addition to the Australian DNS. In addition, the Panel recommends a fifth criterion which makes it clear that proposals will be considered within the context of the existing .au 2LD hierarchy and other auDA policies.

1. The 2LD must be robust, sustainable and viable. For example, there should be a clear, long-term commitment where it is proposed that a body other than auDA manage the 2LD.

2. 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" includes both registrants and non-registrants who may benefit from or use the 2LD.

3. 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.

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

5. The 2LD must be consistent with the existing .au 2LD hierarchy and otherwise compliant with auDA policies, including the policy issues raised in the Interim Report of the New Names Advisory Panel (endorsed by the auDA Board in October 2002).

6. Open and Closed 2LDs

The Panel recommends that auDA state its preference for open 2LDs as a general principle underlying the creation of new 2LDs (see section 2). The Panel understands an open 2LD to have the following characteristics:

- o Management of the registry function is determined by periodic competitive tender conducted by auDA, and the registry operator is licensed by auDA.
- o Domain names within the 2LD are registered by multiple auDA accredited registrars; any entity which satisfies auDA's accreditation requirements may be a registrar.
- o Policy for the 2LD is determined by auDA, after appropriate consultation with stakeholders, and auDA is the policy authority for the 2LDs.
- o Management functions relating to open 2LDs are overseen by auDA, and are carried out by registrars and the registry for each 2LD.
- o The 2LD operates under clear eligibility criteria and allocation rules which are consistent with those for other open 2LDs.
- o A standard domain name licence period of 2 years applies.

A proposal for a new 2LD which is closed rather than open must demonstrate that:
- o the interests of users (both registrants and non-registrants) will be best served if the 2LD is managed by a body other than auDA; and
- o the 2LD will be viable and sustainable and able to ensure continuity of service to registrants.

In essence, the proposal must demonstrate that the 2LD would not function effectively as an open 2LD.