

## Minutes

29th November 2017 at 8:00AM

**Present:** John Swinson (Chair), Paul Zawa, Professor Andrew Christie, Brett Fenton, Ned O'Meara and Narelle Clark.

Meeting commenced at 8:15am

John welcomed Panel members to the meeting.

John congratulated Ned O'Meara on his election to the auDA Board. Ned O'Meara attended the meeting to provide handover and to express his position on each of the topics carried over from the previous Panel meeting.

The Panel noted that due to his election to the board, Ned O'Meara resigned from his position as the demand class representative.

The Panel was advised that the demand class position will be filled with a demand class member who had previously applied for role on the panel in [August 2017]. Upon acceptance of the position, the successful candidate will be announced.

Ned O'Meara left the meeting at 8:46am

The key issues discussed were:

### 1. Discussion of the Christie blocking model

The Panel noted that the Christie blocking model sought to address the two main objections of direct registration:

1. The need to have defensive registrations for pre-existing registrants in the 3LD.
2. The potential confusion that would arise due to registrations at the 2LD, that are the same in the 3LD.

The Panel explored the determinants of the Christie blocking model. Panel members considered whether the blocking model should only be in place for one registration cycle to minimise conflict relating to defensive registrations. It was noted that having the blocking model in place for only one registration cycle is no different from having a priority registration system.

The Panel acknowledged that it may be necessary to tighten the eligibility and allocation rules for registration in the existing 2LDs. The Panel Chair advised that the December meeting will address eligibility criteria, close and substantial connection rules, and the domain monetisation policy in the existing 2LDs.

## 2. Is the Consensus model (EFA model) our preferred model

The Panel agreed to tentatively take the direction of the EFA model, where by a priority period should be implemented. The Panel acknowledged that where there was only one existing registration at the 3LD, the model would allow that registrant to determine whether they would like to register their domain in the 2LD space.

The Panel agreed that where there are two or more registrations at the 3LD of the same name to different registrants the EFA model was a potentially suitable approach.

## 3. Implementation issues of the consensus model

The Panel were attracted to a consensus based model for resolving priority contests, however panel members realised that it could cause problems such as registrants refusing to negotiate in good faith. The panel expressed ways of breaking a stalemate by a lottery process.

The Panel agreed that if the lottery process was adopted at the second stage of the consensus model, the winner of the lottery would have a period to register their domain name. Where the winner does not register within the allocated period, the domain name would become available to the public.

The Panel noted that provisions would be put in place to ensure success in a lottery could not be used as immunity against an action under the auDRP for a bad faith registrations.

Narelle Clarke joined the meeting at 10:00am.

## Item 4: Reservation of names for future use as 2LDs

To minimise confusion, the Panel is proposing that generic TLDs, ISO Country Codes and 2 letter names be reserved and not made available for registration.

The Panel noted that reserved names will be discussed in the December meeting, in addition to names blocked by legislation.

## Item 5: Blocked Names

The Panel spent considerable time exploring the justification for blocked names and expressed their concerns on the differentiation between names in the 2LD and 3LD.

The Panel also noted that it may be necessary to reduce the risk of consumer confusion and reserve the names of well-known recognised gTLDs and all ccTLDs.

The Panel noted that auDA has a mandate to ensure its policies promote consumer protection and fair trading. Any names added to the reserved list or blocked at the second level must reflect this principle.

**Action:** Panel members to post suggestions on confluence and seek consensus from the Panel

## Items 6, 7 & 8

Due to time, it was agreed that Items 6-8 on the agenda will continue to be discussed by the Panel via Confluence.

The Panel agreed that the discussion paper for Direct Registration will be released after January 26, 2018. The Secretariat asked the Panel Chair to provide drafting instructions for the Direct Registration Implementation paper.

#### **Other business/Next meeting**

The Chair proposed dates for stakeholder forums in early February 2018. The item will be discussed further in the December meeting.

**Action:** Panel members to provide the secretariat with their availability during the consultation period.

Next meeting will be held on the 14/12/17.

The meeting closed at 10:25am