

Minutes

14th December 2017 at 9:00AM

Present: John Swinson (Chair), Paul Zawa, Professor Andrew Christie, Brett Fenton, Luke Summers, Narelle Clark and Parris Burtenshaw (Federal Government observer).

Meeting commenced at 9:15am

The key issues discussed were:

Item 1. Introduction – auDA Chairman

The auDA board Chair, Chris Leptos, gave a brief introduction to the Panel and stressed the importance of the Panel and the need to meet the 31 August deadline.

Cameron Boardman attended the meeting from 9:15 am to 10 am.

Cameron Boardman took questions from the Panel on the Following issues:

- Consultations
 - the need to target the academic community
 - timing constraints of stakeholder consultations
- Communication needs to be appropriately targeted to reach all registrants

Cameron Boardman noted that work was underway to email all registrants of .au domain names, and stressed the importance to consult with a broad range of stakeholders using a variety of mechanisms.

The Panel noted that a large variety of mechanisms to engage with the community should be used. The panel agreed that to generate more interest in the DNS, auDA and the Panel need to provide appropriate education about the importance of the DNS.

The panel was briefed on the planning for upcoming consultations and informed that an events company was being engaged for the management and promotion. The panel discussed the timing of the public forums and raised concern that they may be scheduled too early in the year to get the appropriate level of attention, with the view that a delay of two weeks may be appropriate. John Swinson undertook to review this with the Secretariat and advise the panel accordingly.

Item 2. Purpose of the second level

The Panel agreed that .au should be for all Australians. The Panel noted that the registrant for a domain name must be Australian – however that is defined.

The Panel considered who should be entitled to register in .au, and whether it is based on the target population or website content.

The Panel agreed that it is necessary to restrict and tighten up what is meant by Australian. Luke Summers noted that he did not agree with this position and that .au should still be open to international operators (e.g. by being licensed to trade in Australia or via an Australian trade mark). Luke strongly reiterated that in respect to IP it is important to provide some mechanism for foreign entities with an Australian trade mark to register a .au domain, as trade mark registration signals an intention to undertake activities in Australia, if they are not already doing so.

Item 3. Utility of the existing 2LDs

com.au/net.au

The panel discussed whether a foreign entity should be entitled to register in.com.au, and the principles they should be governed by. The Panel acknowledged that having 2LDs governed by the same set of rules could incur further costs to businesses and lead to defensive registrations across the spaces.

asn.au/org.au

The panel is conscious that there is an overlap between existing 2LDs and agreed that the spaces need to be differentiated. The Panel questioned whether asn.au should be differentiated or retired. It was noted that the issue will be raised in the upcoming registrant discussion paper.

Id.au

The Panel agreed that exploration into the utilisation of the id.au space is necessary and noted that there is a need to assess the pros and cons of Id.au.

The Panel agreed that the purpose of eligibility, and eligibility rules in the existing 2LDs need to be clearly defined. For example, where an association is registered in asn.au the rules should reflect the meaning of the name space.

Item 4: Reserve List

The Panel suggested that the following names could be reserved to prevent the use of misleading and confusing domain names where use is not in the public interest:

- Words, phrases and acronyms prohibited by law
- Names that threaten the integrity and stability of .au

The Panel acknowledged reserve list issues with:

- Culturally important names
- Eora.au and other Indigenous Australian names

The Panel agreed that the process for canvassing new 2LDs should be clearly defined in the registrant discussion paper. The Panel also noted that geographical names and abbreviations at the second level and in the 2LDs need to be addressed.

Item 5: Eligibility

Legal Person

The Panel spent considerable time exploring eligibility rules that should apply to .au and the open 2LDs. The Panel agreed that to meet the eligibility criteria a legal entity wishing to register a domain name must have an Australian presence. The Panel noted that only a legal entity can be a registrant of a domain name licence.

Australian Presence

The Panel is proposing that the definition of 'Australian presence' should be tightened to clearly define the Australian Connection requirement for registrants.

Panel members considered registrant identification issues in the registry database and the WHOIS service. The Panel agreed that the true licensee should be reflected as the registrant.

Eligibility to register 2LD or second level

The Panel agreed that .au should be defined as:

- With few eligibility requirements
- Australian presence

The Panel also agreed that .au should be available to individuals that are unable to register in com.au, and a possible replacement for id.au.

Item 6: Allocation Rules

The Panel noted the importance of appropriately defined allocation rules to maintain accuracy in .au and open 2LDs. Panel members agreed that the proposed allocation models should be clearly defined in the upcoming registrant discussion paper.

Luke Summers expressed concern that allocation rules 'add no value to the name space' and believed that there should be a focus on registrant eligibility in .au and existing 2LDs.

Luke Summers indicated that he does not support increasing restrictions in the existing 2LDs (e.g. com.au and net.au). Luke stated that he believes it is inconsistent to suggest that existing extensions need increased regulation and restrictions, but that the new direct registration option should have very limited rules and effectively be open to everyone, including businesses, not-for-profits and government.

Item 7: Licences

Sub-leasing

Panel members acknowledged that clear rules need to be established around the sub-leasing of domains. To ensure consumers are supported, majority of Panel members were attracted to regulating licences through mandated licence conditions. The Panel noted that the issue will be addressed in the registrant discussion paper.

Licence Transfers

The Panel discussed variable licence periods and agreed that a simplified process is needed to ensure that .au reflects other 2LDs. The panel agreed that where the transfer of a domain name licence is between registrants, the transferee should benefit from the remainder of the licence period.

Item 8: Collection use & disclosure of information

The Panel discussed concerns with the collection use and disclosure of information in the WHOIS service. The Panel raised the following issues:

- how to contact people
- Identity theft issues
- housekeeping
- individual privacy
- disclosure information.

The Panel agreed that it is necessary to seek further input from the Australian Internet Community on the issue. Narelle Clark reiterated the importance of transparency and accountability in the process.

Item 9: auDA's powers

The Panel noted that section 6.2 of auDA's Mandatory terms and conditions policy was not clear. Brett Fenton noted that registrars need further information and clear parameters around auDA's legislative provisions. The Panel agreed that further thought and discussion is needed.

Item 10: Other business/Next meeting

Luke Summers disclosed matters that could be considered to give rise to a potential or actual conflict of interest, including declaring domain name ownership.

John Swinson reiterated the importance of maintaining confidentiality within the panel.

Next meeting is to be advised in the new year

The meeting closed at 4:00pm