

Submission to the Domain Name Commission on Additional Search Functionality

1. I am Colin Jackson, a technology consultant and commentator, and one of the founders of InternetNZ. The views I set out here are my own.
2. I thank the Domain Name Commission for this opportunity to submit my views on the possible extension of public search functionality over the .nz domain name registry.
3. In summary, there are arguments for and against extending the search functionality over the domain name registry. However, the arguments for doing so benefit people who are not name holders (or at least not the holders of the names in question), whereas the arguments against extending the search functionality benefit the name holders concerned. For this reason I am against extending the search functionality.
4. The arguments **for** extending search functionality are:
 - It would facilitate the jobs of lawyers who are seeking potential trademark violations.
 - It is publicly available data and therefore should be made as widely available as possible.
5. These arguments do not make a strong case for change. Firstly, it is not the business of the Domain Name System to facilitate lawyers' fishing expeditions for potential infringements. The level of information currently available, along with the Dispute Resolution System, allow concerns over trademarks or over passing off to be addressed in an equitable way. Secondly, the right of open access to public information is always conditional on other matters such as security and privacy.
6. The arguments **against** extending search functionality are:
 - It would lead to a potential privacy infringement, as seeing the whole of someone's online name holdings would lead to a picture of their activities which they might not wish others to have.

- It could lead to harassment of name holders by opportunistic lawyers.
 - It might deter name holders from supplying correct contact information which would make the Domain Name Registry less fit for its intended purpose.
7. I can see no benefit to name holders or to the Internet as a whole accruing from any extension of public search functionality. I can see potential harm to name holders, to the Domain Name System and therefore to the Internet from allowing such an extension.
 8. I therefore urge the Domain Name Commission to maintain the domain name system's true purpose by declining to provide any extension of public search functionality over whois records.