

Second Level Domain Review Consultation- Submission

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I propose establishing a new "policy class" for second-level domains, besides "moderated" and "open", which for the purpose of this proposal I shall call "semi-moderated".

A semi-moderated 2LD would have eligibility criteria and a moderator, the same as moderated 2LDs. However new registrations would not need prior moderator approval, and so could be processed by any registrar in the same way as registrations in an open 2LD.

The moderator would instead act when requested to verify a registrant's eligibility to hold a domain; this may take the form of a complaint alleging ineligibility, or a request for confirmation from the registrant themselves.

(The moderator would not be required to make another determination if none of the registrant's details have changed since a previous determination, unless directed by 2LD's policy on multiple determinations.)

The process would thereafter be handled by the DNC.

The registrant and complainant would be notified of the determination, and the DNC would be published it on the website and/or in the newsletter.

If the determination is positive (that the registrant is eligible to hold the domain), no further action would be taken, save that this would be noted on the registration.

Otherwise, the registrant would be notified that they have 30 days to either amend the registration details (thus providing justification of eligibility), or transfer the domain to another (suitable) registrant.

If after 30 days the recorded registrant details still do not satisfy the moderator as to the registrant's eligibility, the domain status would be set to "ineligible pending release", which would remove it from the parent zone.

This has similar effect to the "cancelled pending release" status (including having the same time-out before actual release), except that registrars can change the registrant details but cannot change the status.

The registrant should request the moderator to make a new determination once they have made changes to the registrant details, and the moderator will then make a new determination. If the registration is now eligible, the moderator shall set the status back to "active", otherwise it remains as "ineligible pending release" and the pending release date remains unchanged.

Unless they have already done so, the moderator shall make one unsolicited determination in the last 7 days before the release date.

At any point, the moderator has the option of referring a domain to the DNC if there is doubt over the eligibility. (They must do this if they are unable to make a

determination prior to the release date, whereupon the DNC should set the status to "locked".)

A 2LD may be changed from "open" to "semi-moderated", however its new eligibility criteria must grandfather existing registrations for no less than years. (The criteria under which such a change may be made are outside the scope of this proposal. Presumably it would require overwhelming support of existing registrants in a 2LD, and some long consultation process.)

If the eligibility criteria of an existing semi-moderated 2LD are changed, they must be wholly inclusive of all existing registrations (that do in fact meet the old eligibility criteria).

In addition to setting eligibility criteria, a semi-moderated 2LD's policy could also:

- specify "proof of eligibility" to be included in the registration details (for example, company registration number if the policy requires that registrants must be companies registered in NZ)
- permit the moderator to charge a cost-recovery fee:
 - collected from new registrants and held as a bond by the registry (or other suitable organ) and paid to the moderator if an "ineligible" determination is subsequently made; and
 - charged to registrants when they make changes to the registrant details (if they have had a determination made based on the previous details); and
 - charged to the complainant (if the registrant details have not changed and if the 2LD policy permits repeated determinations); and
 - payable to a nominated charity in the event that the domain is released without ever having had a determination.

Obviously this is a work in progress and some improvements could be made. I have in mind particularly that criteria should be obvious from the name or contact details of the registrant; 2LD's could be created for the exclusive use of NZ residents, or natural persons, or corporates.

Possibly the registry could be changed to include some additional flags (such as "last determination date") which would assist the moderator in deciding whether to ignore repeated ineligibility complaints.

-Martin