

Second Level Domains Policy Review Submission

From: David Farrar
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1.

Q: Are the twelve second level domains still appropriate for their communities of interest?

A: Broadly speaking, yes they are. As with gTLDs there is not always a lot of difference seen as between net.nz, org.nz and co.nz with many organisations registering a co.nz name and also many net.nz registrations which do not meet the official community of interest. It is worth noting that more and more organisations register a name in all three major 2LDs as they are all seen as the three main "open" ones.

2.

Q: Should any of the open 2LDs be moderated? (.ac, .co, .gen, .geek, .maori, .net, .org, .school)

A: yes

comments: I have advocated for many years that school.nz and ac.nz should be moderated. In fact it was the failure of the then ISOCNZ to continue the moderation of these domains which motivated me to get involved with DNS issues.

If InternetNZ actively seeks out moderators within the Government education sector, I am confident one can be located.

I do not support any retrospective moderation where current registrants can close their names (this should never happen due to a policy change), so existing registrations would be grandfathered in, but future registrations or change of registrants in school.nz and ac.nz would require moderator approval.

3.

Q: Is there any need for the rationalisation of the current 2LDs?

A: Yes.

The cri.nz 2LD has only 27 registrations, iwi.nz 45 and mil.nz 15 and all could be considered for rationalisation. In the poll done for the DNC the prompted recognition rates were only 9%, 16% and 18% respectively. Unprompted would be even lower.

I propose that while cri.nz and mil.nz were created to recognise their roles in the early days of the Internet, they are not needed as second level domains as they could be located under govt.nz as they are both part of the Government. The govt.nz moderator could either place them at the third level (agresearch.govt.nz) or at the fourth level (agreseach.cri.govt.nz) in their discretion.

Holistically a case can also be made that iwi.nz would be a better fit as a 3LD under Maori.nz – ie ngaitahu.iwi.maori.nz. However I do note that the iwi.nz domain has been growing significantly (doubled in 18 months) unlike cri.nz and mil.nz which have been shrinking. Closing off iwi.nz to new registrations could create issues with Iwi yet to register a domain name, so I do not propose closing the 2LD, but suggest InternetNZ do check with the moderator of iwi.nz if there is any desire to rationalise under maori.nz.

As above I do not support any current registrant automatically losing their domain name due to a policy change. This is a very bad thing to be avoided at all costs. So all that should happen is cri.nz and mil.nz are closed off to future registrations and the 2LDs only be deleted if and when empty.

3.1

Q: If so, what process should be used for the removal or closing of existing 2LDs?:

A: A 2LD should be closed only, not removed unless all current registrants voluntarily re-register elsewhere.

Closure of a 2LD should mean that no new names can be registered and that an existing name can not be transferred to a new registrant. The only exception or clarification to this would be a change of legal name or merger where the entity effectively stays the same.

Removal of a 2LD should happen automatically once it has been closed and after the last domain name is cancelled voluntarily.

3.2

Q: Should any such process be included in the 2LD policy?:

A: No. Closure or deletion of a 2LD should be such a rare event that each one has to be taken as an individual case. This is not something one should be doing all the same. Any closure or deletion should specifically be consulted on, as per this review.

4.

Q: What criteria (types of criteria and specific examples) should be applied to the creation of new 2LDs?

A: Firstly I think the criteria should be different for moderated and unmoderated 2LDs. For unmoderated 2LDs, the process should be market driven with the key question being – will a reasonable number of registrants register names in this 2LD.

The geek.nz 2LD with almost 500 names showed that it was a viable 2LD. However setting up bananas.nz as a 2LD for those interested in bananas would prob only get less than 5 registrations. So demonstrating a likely level of usage is a key criteria.

The other key issue for unmoderated is minimum ambiguity. For example one could set up com.nz and within months have 40,000 registrations in it. However I would suggest 99% will be duplicates of the co.nz registration. The new gTLDs set up by ICANN have had this problem with many such as .biz and .info having a very small percentage of original registrations. Ben Edelman at <http://cyber.law.harvard.edu/tlds/001/> reveals that many .biz names are duplicates of the .com name and held by the same registrant.

For moderated 2LDs, the focus should not be so much on how many registrations there might be, but how well defined the proposed community of interest is, how fair the moderation criteria are, and the suitability of the proposed moderator. I thought bank.nz was a perfect application as the community of interest is in fact defined by statute, the moderation criteria was unequivocal – any bank registered with the Reserve Bank, and the moderator being a logical choice of the industry lobby group.

A proposal which might fail the criteria is one from myself proposing we set up farrar.nz as a moderated 2LD with myself as moderator. A group of people having the same surname is

not as commonly recognised as a community as say banks, lawyers, Maori etc. The moderation criteria may be fair – surname must be Farrar, but there would not be proof that one individual would represent all the diverse Farrars out there.

Another issue for moderated 2LDs is to be careful that the name of the 2LD and the scope match. Bank.nz for banks is fine, law.nz for lawyers is arguably also fine but having cars.nz restricted to car dealers would not be, because there are also car enthusiasts, car manufacturers, car model clubs etc.

Finally it would be sensible to have in the policy that applications for 2LDs which are deemed offensive by InternetNZ may be declined. I am actually the author of the policy to get rid of the ban on offensive names at the unmoderated third level, but at the second level which is tightly controlled is a different issue. One doesn't want to even have a public submission period on whether the (for example) rapistsrulez.nz 2LD be created.

5.

Q: Is the current process for creating new 2LDs too simple, too complex or about right?

A: too complex

comments: The elements of discussion, straw poll, submissions, interim decision, submissions on interim decision and final decision all should remain, but they do not need to be consecutive and many can run concurrently.

I would propose one integrated period for consultation where people can discuss the proposal, make a formal submission on it and/or vote in a straw poll. This would probably be over a time period of 4 - 6 weeks rather than the current 15 - 24 weeks.

Then one would have an interim decision, a set period of feedback on the interim decision - propose two to three weeks and then a final decision.

6.

Q: How much, if anything, should an application for the creation of a new 2LD cost?

A: The current cost of \$1,000 seems reasonable. It is high enough to discourage flippant proposals but low enough not to be a barrier to genuine proposals. The notion of full cost recovery is not possible as this would increase the cost to well over \$5,000.

7.

Q: Who, if anyone, should be able to block the creation of new 2LDs? If so, why and how?

A: Firstly the Council of InternetNZ should remain the decision making authority on applications. However it should receive a recommendation from NZOC on any proposed creation. Council and NZOC should of course only judge on how well an application fulfils policy, not what individual's personal preferences are.

In the case of a moderated 2LD, any significant section community of interest affected by it should be able to block it. This does not mean bank customers could block bank.nz but would allow nurses to block the NZ Medical Assn from gaining health.nz, but they would be okay with doctors.nz.

I do not support having the straw poll as a sudden death hurdle for applications. I think it is important to retain the poll, but the results of it should form part of the feedback on the proposal, rather than be an automatic block if an arbitrary number or percentage is not gained.

8.

Q: Should there be different criteria or processes for the creation of moderated as opposed to open Second Level Domains?

A: Yes – detailed above for criteria. The process should be the same though.

9.

Q: Is the level of public input in the process adequate; excessive; or inadequate?

A: adequate

comments: It is adequate. It just goes on for too long.

10.

Q: Are the methods currently used to seek public input (submissions; discussion period; straw poll) the best available, or would you suggest other/additional methods?

A: As detailed above, the process I would propose is:

- a) Proposal received by DNC with \$1,000 cheque and asap forwarded to NZOC and then Council with recommendation on whether proposal has sufficient information to proceed etc.
- b) A initial consultation period of 4 – 6 weeks commences which allows formal submissions, list discussion and around halfway through a straw poll. I would not have straw poll at the end as there may be useful discussion or submissions on the results of the straw poll
- c) NZOC considers feedback (including straw poll) and summary provided by DNC and recommends to Council within 14 days
- d) Council makes interim decision within 14 days
- e) Submission and discussion on interim decision for 2 to 3 weeks
- f) Council makes final decision at next face to face meeting

11.

Q: Do you think direct public registrations should be accepted at the second level?

A: no

11.1

Q: Why? What are the advantages or disadvantages of such an approach?

A: If one was designing the .nz TLD from scratch I would probably advocate for direct registrations at the 2LD, as many other ccTLDs do this successfully, it avoids having to register in multiple 2LDS, and around 85% of registrations are in co.nz anyway

But the impact on current registrants and registrars by changing at this stage would be massive, and IMO the costs would outweigh the benefits.

Many registrants would feel it necessary to register their name at the second level and face significant rebranding costs. There would be considerable confusion about the difference between kiwiblog.co.nz (registered under DNC policies and protected) and kiwi.blog.nz which would be a private registry set up by blog.nz registrant) with different registrant rights.

There would be inevitable disputes over newly available names and I have no doubt court action to test any policy put in place.

The DNC Office would need a massive increase in staff to cope with the education and resolution issues around any change.

So while allowing 2LD registrations does appeal to me, I think we are far too far down the track to change policy in a way which will be beneficial to registrants and not cause confusion, costs and disputes.

12.

Q: If direct registrations are allowed at the second level, what kinds of transition arrangements would need to be put in place for existing third level registrants?

A: Existing 3ld registrants should be given first option on registering their name at the 2ld level.

13.

Q: What is the best way to deal with any conflicts between existing third level registrants if the second level is opened?

A: I would advocate the .ca model where a 2LD name can be allocated only if there is no 3LD registration of it, the same registrant holds all 3LD versions of that name, or the different 3LD registrants agree between themselves which one of them can register it (would probably involve payments between parties)

The inherited .nz data is not of high enough quality and auditability to allocate on the basis of the oldest 3LD registration. The suggestion it be done on the basis of whom has the most 3LD versions of a name holds little merit IMO.

14.

Q: Should registration fees be different (higher/lower) for Second Level domain registrations if they are opened directly to the public?

A: No – the registry fees should be the same for all registrations. KISS.

15.

Q: Are there other options around the future of the Second Level that the working group should consider?

A: No - the paper seems to cover them well.

16.

Q: Are there any other issues you think the Working Group needs to consider in the course of the review?

A: No, but the next step should be either a proposed new policy, or a small number of discrete varying proposals which stakeholders can give feedback on.