

Second Level Domains Policy Review Submission

From: State Services Commission
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This response has been prepared on behalf of Government by officials from the E-government Unit of the State Services Commission and the Information Technology Policy Group of the Ministry of Economic Development. These two agencies jointly have prime responsibility for maintaining the Government's interests vis-a-vis the internet.

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Issue 1: Existing Second Level Domains

1. Are the twelve second level domains still appropriate for their communities of interest?

The Government considers that the community of interest particular to the domain should decide this. For example, .cri may be seen by some to be redundant and more properly part of .govt but, unless there is a specific cost to the country that is not met by the nameholders and is unrecoverable, there seems no reason for the 2LD to be removed unless the nameholders/registrants within that 2LD wish it to occur.

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

The Government has no opinion on this matter.

3. Is there any need for the rationalisation of the current 2LDs?

The Government is in favour of hierarchical arrangements which aid ordinary Internet users in identifying the appropriate entity to deal with. If rationalisation means removal, then the Government sees no pressing argument for the rationalisation of the 2LD namespace. While the DNS may not have been designed as a directory system, many creations end up being used for a purpose not thought of at the time of creation, and the current hierarchical structure serves ordinary users well. Should a need be identified for new categories of 2LDs to assist ordinary users to be better informed about what type of entity they are dealing with, the Government would be supportive of such developments.

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

This course of action should be determined by the community of interest for that 2LD. If a 2LD was empty, there would be no value in keeping it running, and so it would be a simple matter to remove from the registry. If the number of registrants in a 2LD is greater than 0, then it is up to the registrants in a space to make the decision collectively.

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

It would be a very rare event for such a thing to occur. The policy should reflect the possibility, but does not need to detail processes.

Issue 2: 2LD creation process

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

The primary criterion should be a identifiable self-defined community of interest who make their wishes known and initiate the process. While this may be supported by the wider Internet and non-Internet communities, who may retain some power to block inappropriate 2LDs through the submission and voting process, the wider community should not make a decision to initiate a new 2LD because it seems like a good idea. Neither should the wider community have the power to block initiation of a new 2LD.

The Government would not look favourably on a small minority making decisions about the .nz namespace that did not take into account the interests of ordinary New Zealanders (the public interest) and consult widely and openly with potential stakeholders.

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

The current process is about right.

Comments:

The process is not overly complex although it is time-consuming. There may be room for fine tuning the process to ensure that it is more expeditious, keeping in mind the need for rigour and appropriate process.

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

Without knowing what the actual costs are, it is not possible to state what is fair and reasonable. The Government operates a number of services on a cost recovery basis, and would generally support this approach, unless a case could be made that the benefit of instituting a new 2LD out-weighed the true cost or that the cost was prohibitive and formed too high a barrier to entry.

The Government is in favour of maintaining some form of barrier to entry to ensure that frivolous applications are reduced to a minimum.

As we understand it, the amount involved at present is \$1000, while the true cost to InternetNZ is somewhat higher. If the actual costs could be quantified and presented, we would be able to consider this question more appropriately.

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

The responsibility for the ccTLD rests with the ccTLD manager, i.e. InternetNZ. While day to day operation issues are managed by the DNC, the authority is derived from the InternetNZ Council. Therefore, the reserve power of final decision rests with the Council.

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

The process of creation should not be inherently different for moderated domains, but the criteria should be tighter (depending on the domain). There should be a very clear community of interest for a moderated domain, whereas an open domain will be implemented as an abstract domain with certain intentions. The Government's position would be to treat each application on a case by case basis, unless it is anticipated that demand will soar to a point that the process channel is flooded.

9. Is the level of public input in the process adequate; excessive; or inadequate?

The level of public input into the process is inadequate

Comments:

The Government would prefer to see more formalised consultation as part of the process through the government registrar as the Government's representative, and see evidence of more proactive consultation with other stakeholders, rather than the present format of putting the question and waiting for a response. We consider that the current format is at risk of capture by small but vocal fringe interest groups, and the impact on ordinary New Zealanders is unlikely to be recognised through the current process. We would prefer to see a process designed that made it easier for those on the outside to participate, rather than a perceived "inner group". We recognise that this would increase the cost, which goes directly to the cost of applications in question 6, but we regard the .nz part of the Internet as a key piece of New Zealand's infrastructure, and so would prefer more formalised consultation than less.

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

Obviously Government approves of submissions as we extensively consult ourselves. However, we would question the range that submissions are drawn from, as it always seems to be the 'usual suspects' who respond. As above, we would like to see more proactive consultation from InternetNZ in identifying and approaching key stakeholders and non-internet communities for comment, rather than setting up a page on a website and hoping people notice.

Issue 3: Direct registrations at the Second Level

11. Do you think direct public registrations should be accepted at the second level?

No - The Government considers that direct public registrations should NOT be accepted at the second level.

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

The Government sees no value in removing or devaluing the hierarchical approach that has been established in the .nz namespace. We consider that direct registration at the second level has no advantages over the third level as each domain name is a unique label.

We have observed the 'flattening' of .us and .ca and can see no particular benefit that has been gained in that action. In particular we would oppose any proposal that devalued the .govt.nz namespace.

12. 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?

Given our answer above opposing direct registrations at the second level, we have no comment on this question.

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

As worded, this seems to presume that the second level will be opened up. As above, we do not support this approach.

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

Given our answer above opposing direct registrations at the second level, we have no comment on this question.

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

Unless InternetNZ can point to specific problems with the current 2LD situation the Government considers that no change is required.

General Feedback

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

Given that the review terms of reference at <http://dnc.org.nz/story/30136-35-1.html>, it would seem appropriate for the Working Group to confine their review to the items above.