

.nz NEWSLETTER – December 2007

:: DNC OFFICE ::

In November, the number of active .nz domain names increased from 305,446 to 311,198, a net increase of 5,752.

.nz Dispute Resolution Service (DRS) – Policy Review

On 1 June 2006, the .nz Dispute Resolution Service (DRS – www.dnc.org.nz/drs) came into effect. Its implementation followed a public consultation on the options for resolving disputes over who should be the registrant of a .nz domain name (refer www.dnc.org.nz/ldrp-consultation). The intention in establishing the DRS was to provide parties with a low cost alternative to the Courts to resolve .nz domain name disputes.

The DRS is based on the [NominetUK](http://www.nominet.uk) dispute resolution process and incorporates a mediation step, at no cost to the parties, in the process before any payment is required to refer the dispute for an Expert determination. With 89 valid complaints received in the first 18 months, and with around 40% of those resolved at mediation, it would appear that the DRS is meeting a need.

Generally the policy appears to be operating well. The Domain Name Commission intends to add an additional clause enabling a term of settlement, that is within the power of the DNC, to be enforced by the DNC if the parties fail to do so. For example, when the parties agree to transfer a domain name to a different registrant but one party doesn't sign the forms required by the registrar, the DNC will be able to direct the registrar to make the required change.

One issue raised by the Experts relates to the quality of the complaints received, in that the information required to prove the two elements (rights in the name, and that the registration in the hands of the respondent is unfair) is often lacking in sufficient detail to make the case. This issue is one of education, though any ideas that people may have on how the quality might be improved would be welcomed.

At the time the DRS was implemented, it was agreed that there would be a review sometime after its first year of operation. This is now the opportunity to comment on the policy and its operational implementation. Comments should be sent by email to policies@dnc.org.nz, by fax to (04) 495 2115, or by mail to P O Box 11881, Wellington. As submissions are received they will be published on the DNC website at www.dnc.org.nz/drs-consult. Comments should be received by midday on Wednesday 13 February 2008.

NZOC meeting

A meeting of NZOC was held on Wednesday 12th of December. Minutes of this meeting can be viewed in either [.html](#) or [.pdf](#).

- Registering, Managing and Cancelling Domain Names Policy Review

One of the items discussed at the meeting was the Registering, Managing and Cancelling Policy review. Seven submissions were received in the latest consultation on the RMC Policy. After discussion, NZOC agreed that there was strong support for the status quo and no solid support for registration restrictions to be introduced for .nz domain names.

A proposal put forward by the State Services Commission regarding a process for managing complaints involving a clear breach of New Zealand law was considered by NZOC. They agreed that there was merit in exploring the feasibility of such an approach but were concerned with how such a process could be put into practice particularly around what constituted a “clear” breach of the law.

It was agreed that the DNC would develop some draft wording for such a process, together with a draft operational policy as to how it might work in practice. The first draft of these will be put to the next NZOC meeting.

Experts’ concern over quality of complaints

Experts to the .nz Dispute Resolution Service (DRS) met recently to discuss the operation of the policy to date. There was general approval in how the policy was operating with the Experts agreeing that, apart from one operational change identified by the DNC Office, there were no specific issues that needed to be raised as part of the upcoming review into the policy.

One point commented on by all Experts was the poor quality of a number of the complaints. Problems with the complaints included a lack of evidence being provided to demonstrate the parties had rights in a particular name, a key requirement for any complaint being laid. This is particularly evident where a claim is based on an unregistered trade mark. In such cases there is a positive need for complainants to provide evidence of use of and reputation in the unregistered trade mark in order to substantiate their claim.

Where the quality of the complaint, and the response, was poor it was apparent that there was a lack of knowledge in how the policy and process worked. Despite “help” and various assistance sections being provided on the DRS website, many people were not reading, or understanding, what was required. It was also clear that many people were ignoring specific warnings intended to prompt people when it was likely that the requirements had not been met. This is an ongoing problem.

All ‘poor quality’ complaints share a common element – there is no legal representative involved. Though the DRS was set up to provide a low-cost alternative to taking legal action, people who are not familiar with the processes or requirements of the service should seek legal advice to ensure the best possible submissions are made.

If a complaint is dismissed because the complainant has not adequately proved its case, then under the DRS, the complaint cannot be refiled (except in exceptional circumstances). This places a real premium on getting the complaint right first time.

Statistics

Figures as at 30 November 2007:

	<i>Active names as at 1 November</i>	<i>Active names as at end 31 November</i>	<i>New registrations November</i>	<i>Renewals November</i>	<i>Net Growth</i>
.ac	1371	1394	32	306	23
.co	261980	267079	8396	54895	5099
.cri	16	16	0	4	0
.geek	773	783	26	197	10
.gen	1143	1148	18	295	5
.govt	923	928	5	814	5
.iwi	60	60	0	12	0
.maori	486	493	20	88	7
.mil	18	18	0	9	0
.net	18243	18551	565	3624	308
.org	17767	18051	475	3402	284
.parliament	5	5	0	5	0
.school	2661	2672	27	1159	11
TOTAL	305446	311198	9564	64810	5752

Note: these figures do not include names in the 'pending release' status. They incorporate all active domain names in the .nz register. For more statistics, see <http://dnc.org.nz/statistics>

:: .nz REGISTRY SERVICES ::

The team @ NZRS (Dave, Alison, Sue and Nick) would like to wish you all a very Merry Christmas and Happy New Year, have a great holiday season and travel safely.

The office will be staffed on the normal business days during the period.

Availability

SRS production system availability:

	SLA	September	October	November
SRS Availability %	99.90	100	99.99	100
Whois	99.90	100	100	100
DNS	100	100	100	100

Response time performance figures on the production environment for the previous three months were:

Avg Response time (in seconds)	SLA Target	September	October	November
Domain Details Query	≤1.5	0.03	0.02	0.03
Domain Update	≤0.8	0.41	0.38	0.36
Domain Create	≤0.8	0.47	0.45	0.41
GetMessage performance	≤0.8	0.03	0.02	0.04
Whois	≤0.8	0.11	0.10	0.10
Whois queries at back end including Registrar (volume 000's)	N/A	2,934	3,300	2,736
Whois Server Queries (volume 000's)	N/A	248	270	266
UDAI Valid Query	≤0.8	0.15	0.14	0.14

DNS Server

% Availability

	Jun 07	Jul 07	Aug 07	Sep 07	Oct 07	Nov 07
NS1	100	100	100	100	100	100
NS2	100	100	100	100	100	100
NS3	100	100	100	100	100	99.97
NS4	100	100	99.63	100	100	100
NS5	100	100	100	100	100	100
NS6	100	100	100	100	100	100
NS7	100	100	99.78	100	100	100

Unscheduled Outages

Outage Type	Total Duration
SRS Unscheduled	29 seconds
WHOIS Unscheduled	23 seconds

Scheduled Outages

Outage Type	Total Duration
SRS Scheduled	2 hours
Whois Scheduled	2 hours
SRS – Whois – Emergency Outage	1 Hour
DNS	15 minutes and 1 second (NS3 only)

Scheduled Outages and Updates

There are no scheduled outages planned for December or January .

Any Comments?

If you have any questions or concerns about the SRS, please don't hesitate to contact us. For registry or technical matters, contact Nick Griffin at support@nzrs.net.nz. For all other matters, contact Debbie Monahan at info@dnc.org.nz.

Please Note

If you would like to be notified of future updates, please use the [SUBSCRIBE](#) function on the DNC site and select the category 'Newsletters'.