

## Minutes of the .nz Oversight Committee Meeting

Monday 18 October 2004, 4.00pm

### Attendance

**Present:** Frank March (Chair), Colin Jackson, Keith Davidson, Roger Hicks, David Russell, Jennifer Northover, Richard Currey, Debbie Monahan, Jordan Carter (items 1-5), Hannah Seeley (items 6-9), Stephen Bell (items 1-4)

**Apologies:** None

The Chair welcomed NZOC members and Stephen Bell, a member of InternetNZ, as an observer. It was noted that, as well as being a member of InternetNZ, Mr Bell was also a journalist. The Chair advised Mr Bell that if he wanted to write anything about the meeting it would need to be based on the information released in the minutes as that was the public record.

### 1. Minutes

The minutes of the last NZOC meeting were passed as true and accurate. There were no matters arising that were not dealt with elsewhere in the agenda.

### 2. DNC Reports

The DNC reports for July, August and September were discussed.

#### *July*

No issues arose from the July report, which had been previously presented to NZOC as a draft. The final version included the financial results for July.

#### *August*

The DNC spoke to her report, including:

- The DNC office has decided to produce practice notes for registrars to detail the process that will be followed in particular situations. These will be placed on a 'registrar only' website, probably through the NZRS site which is setting up a specific site for registrars. The first practice note that has gone out to registrars details the process when a complaint is made regarding incorrect registrant information on the register.
- Communication has been taking place with Internal Affairs and Parliamentary Services regarding the registrant names a number of

domain names are registered in. This issue relates to the requirement that a registrant be an individual or a properly constituted organisation. This matter is being resolved.

- Background was given to NZOC about a note in the DNC report regarding a conversation between NZRS and a registrar. It was agreed that the NZOC Chair would write to the Chair of NZRS regarding the release of .nz information.

It was commented on that a lot of different issues were being addressed by the DNC Office and whether details were being kept to aid future work involving similar matters. The DNC explained that all documents were filed and that standard templates were being developed where the volume justified it. The DNC agreed to continue monitoring what recording of work done would be useful for future reference.

### *September*

Draft report produced. The final version will be circulated when the financial results for September are received.

Issues discussed included:

- Concern was expressed about the volume of Whois queries which continue to rise. The DNC briefly discussed the processes that NZRS have put in place to follow up on not only volume of queries but also patterns, even at low volumes. The DNC considers that NZRS are picking up on potential issues and following up where required.
- NZOC were updated on an active investigation into the activities of one registrar. A site visit to the registrar has been planned and the investigation is ongoing.
- There was a brief discussion around the SLA response time for the Domain Update transaction, which missed the target for September. This transaction has a target time of 0.4 seconds, against most of the others having 0.6 seconds. As discussed, NZRS are able to propose changes to the SLA targets, providing information to justify the change. To date, they have not presented a proposal for any change to NZOC.

Financial comparisons against previous years were asked for. It was suggested that this was really the first stable financial year so comparisons from next year would probably be more useful. NZOC agreed with that so financial reporting from the new financial year will make reference to comparison with this years results.

NZOC thanked the DNC for her three reports.

### **3. Second Level Domains policy**

The DNC introduced her paper, and explained that she is still waiting for final agreement from the Working Group on the process part of the policy (Part B). Therefore, the full paper and recommendations submitted to NZOC would not be sought at this meeting.

At the last NZOC meeting registrars had requested some changes to the policy as drafted; these centred on having provisional registrations managed by registrars rather than the DNC. The policy draft was amended to reflect these changes and the Working Group was asked for feedback. They are still finalising how the provisional registration process might work and what restrictions, if any, should be included. NZOC commented that they would agree to changes where the WG agreed with the input from registrars.

NZOC agreed with the DNC that it was important to get the Working Group to agree with the process before NZOC are asked to finalise it. The DNC went through the issues with NZOC.

There was a discussion about the application fee, also yet to be agreed with the Working Group. Rationale for the fees was discussed in general and NZOC agreed that they would expect the application fee for moderated 2LDs to be higher than that for unmoderated 2LDs. The level of fees indicated by the DNC appeared about right to NZOC though they left the matter for the Working Group to confirm.

Though work is still being done with the Working Group on the process, there has been no change with the actual policy as set out in Part A of the draft document.

After discussing how to progress the review, NZOC adopted Part A of the revised Policy and agreed to forward it to Council for consideration at their next meeting. Council will be advised of any parts of the Process (Part B) which affect them.

The DNC will work with the Working Group on the process and on the fees, and come back to NZOC with the outcome of this work once it is complete.

NZOC noted Roger Hicks' comment thanking the DNC for her work on the review to date.

### **4. Roles and Responsibilities Policy Review**

The DNC introduced Sarah Gillies and Iain Thorpe, of Minter Ellison Rudd Watts, who have worked with her on the RAR review. They attended the meeting to run through the key changes proposed to the policy.

It was noted that this was a key operational review, with a lot of the proposed changes being required to correct inconsistencies in the .nz policies and

procedures and also to enable effective resolution of complaints. No submissions were received when the review was first publicised. There will be a further opportunity for comment as proposed changes are finalised.

Key changes proposed include:

- Removal of the appendices. Instead, the policy will link to the relevant Agreements that cover the requirements, or specify the requirements in the main policy.
- Clarification of the roles and requirements of resellers and agents
- Clarification of the options available for sanctions, including those on registrants

NZOC discussed some of the changes and it was agreed that amendments would be made to some of the clauses to address the concerns raised by NZOC. These changes will be made and a new draft circulated to NZOC before it is submitted to registrars for their input.

It was noted that changes to the Roles and Responsibilities policy would also involve some changes to the Outline Document, given the clarification in definitions.

An issue was raised regarding whether the responsibilities of moderators should also be covered in this policy. This discussion was deferred to be dealt with later in the meeting.

## **5. .iwi.nz Moderation Policy**

The DNC briefly outlined the situation where an issue has arisen regarding domain names registered in the .iwi.nz that do not fit the current moderation policy. The DNC has been in correspondence with the moderator who has proposed a change to the moderation policy, in order to retroactively allow the registrations to stand.

NZOC finds the registrations in breach of the published moderation policy in .iwi.nz unacceptable. The proposed change to the moderation policy cannot be made by the moderator alone; it is too significant and therefore requires consultation.

The proposed new 2LD policy refers to a process to follow where a change to a moderation policy is proposed that is significant. NZOC agreed that the sort of process outlined there was what was required in this situation as the proposed change to the moderation policy was significant and therefore requires consultation.

There also needs to be a clear process for implementing any proposed change to a moderation policy whereby the policy renders names that previously couldn't be registered, able to be registered under the new policy.

NZOC agreed that the domain name register.iwi.nz should be permitted to stand as it allows for an easy access point for .iwi.nz registrations. However, the other domain names registered in breach of the policy should not be permitted to remain registered. Therefore, NZOC decided that:

- The moderation policy could be amended to allow for register.iwi.nz to be used as an access portal for registering .iwi.nz domain names
- The other iwi.nz domain names registered in breach of the moderation policy should be cancelled and locked
- A letter will be sent to the .iwi.nz moderator setting out the NZOC decision and explaining the process that will need to be followed if they want a change to the .iwi.nz moderation policy

NZOC agreed that this situation illustrated a need for moderators to be overseen by the DNC and that it was a good idea for them to be covered specifically by the Roles and Responsibilities policy. The DNC will draft up an addition to the policy to cover the actions of moderators.

## **6. Communication Pamphlets**

The latest version of the two communication pamphlets was circulated to NZOC along with a sample of the proposed layout and design work. It was agreed that any minor editing changes to be made to the final wording should be sent via email to the DNC office.

As per a previous decision, the pamphlets will be branded as InternetNZ, with the InternetNZ logo on the back. NZOC agreed with a suggestion to add words along the lines of "Proudly presented by InternetNZ" to the front cover. NZOC also asked for Copyright to InternetNZ to be explicitly asserted.

Hannah Seeley gave NZOC a brief overview of the feedback received from registrars regarding the pamphlets. Some minor editing points were raised however overall the majority of comments were supportive of the publications.

NZOC noted the estimated costs to have the brochures printed and agreed that the design work should be completed and the pamphlets printed.

## **7. Whois Review**

David Russell, the Chair of the Whois working group briefly spoke about the Whois review which is currently being undertaken.

The Whois working group held its first meeting on 9 September 2004 and as a result of that meeting a paper has been prepared which is currently the subject of public consultation until 5pm on Monday 1 November. Letters have

also been written to organisations identified as having a potential interest in the review. Two submissions have been received to date.

The next Whois working group meeting is scheduled for 15 November 2004. It is expected that a draft policy will be produced and available for consultation with the public for a period of time longer than usual because of the Christmas break.

## **8. Dispute Resolution Working Group Meeting**

The DNC attended a meeting in Auckland on 13 October 2004 regarding a Dispute Resolution Process for .nz. As a result of that meeting the DNC will be drafting a paper with options for implementing a dispute resolution process for .nz. This is expected to focus on systems based on the Nominet UK model and the WIPO system. It will be subject to public consultation and the results of that consultation period will be presented to the Working Group and to NZOC.

## **9. Any Other Business**

The next meeting was set for Wednesday 15 December 2004.