

Minutes of the .nz Oversight Committee Meeting

Monday 3 May 2004, 4.30pm

Attendance

Present: Frank March (from 5.45pm), Colin Jackson, Roger Hicks, David Russell, Jennifer Northover, Richard Currey, Debbie Monahan, Hannah Seeley

Apologies: Keith Davidson, Frank March for late arrival (Colin chaired the meeting in Frank's absence)

1. Minutes

The minutes of the last NZOC meeting were passed as true and accurate.

2. DNC Reports

The February and March reports were discussed.

March was a busy month with a number of new complaints received. In addition to that, the DNC was away on leave for the first two weeks and so there were some matters handled by the lawyers that would not usually have been. This increase in complaints led to a jump in the cost of legal services for the month so the March report outlined some of the recent matters dealt with and the outcome of those.

NZOC were informed that a letter template has been drafted in conjunction with the lawyers to manage initial correspondence when investigating a complaint. This template should help both with the timeliness in starting the investigation, and decrease costs as legal input will be less.

3. 2LD Review Update

The DNC reported to NZOC information from the 2LD Working Group (WG) meeting which was held on Wednesday 28 April 2004. During the meeting the 2LD Working Group reviewed the submissions made from the last round of public consultation.

The WG confirmed the policy position from the draft policy they wrote and are now working on developing the processes for the policy.

4. International Travel Proposal

There was a discussion on a proposal by the DNC to travel overseas. The proposal included attendance at a Centr General Assembly, a visit to Nominet UK and to WIPO. Though the proposal focused on the Centr meeting, NZOC felt that there was more value in the operational aspects to the trip, especially the visit to Nominet.

NZOC asked the DNC to re-submit her proposal with the focus on the operational sides of the trip. There was general support of the benefits that were likely to result from the trip.

5. Roles and Responsibilities Policy Review

In line with the decision to review all the .nz policies and procedures, it is time for the Roles and Responsibilities (RAR) policy to be reviewed. There are also operational needs behinds the review of this policy.

A draft paper to go out seeking comments was discussed and changes to that agreed to identify some of the operational changes that have already been identified.

6. Local Dispute Resolution Process

NZOC discussed an example of a recent domain name dispute that is now before the courts. It is the type of dispute that may benefit from a local dispute resolution process being available for .nz domain names.

There were a variety of views expressed about the benefits and drawbacks of a local dispute resolution process (LDRP) but NZOC approved in principle the scoping of a LDRP for the .nz domain name space and agreed to assist the existing Dispute Resolution Working Group as required.

7. Registrant issue

The DNC explained a situation where a registrar had cancelled their agreement with a registrant but the registrant had not transferred his domain names to another registrar. The affected domain names are now without name servers and the details unable to be accessed by the registrant.

As well as the registrar explaining how to transfer the domain names, the DNC has also written to the registrant encouraging him to transfer the domains to another registrar. No response was received and the names are still with the original registrar.

Various options were discussed as to how best to handle this issue in the absence of anything specific in the policies that addresses such a dispute.

It was agreed that the current Roles and Responsibilities policy review would be able to amend the policy to cover this situation. However, it was also agreed that it would be unfair to apply any changes to the policy retrospectively. Therefore, it was agreed that the current case would be handled by writing again to the registrant urging him to transfer his domain names and explaining the consequences if he didn't. A follow up letter to this would be sent again in February 2005, shortly before the domain names would cancel.

8. Domain Name Complaint

The DNC gave the background of the domain name complaint and provided details of the result of the investigation. NZOC agreed with the DNC that the registrar was in breach of the .nz policies and procedures. It was also agreed that a sanction should be imposed and there was discussion about the nature such a sanction could take.

There is still a process to be followed so the DNC will be writing again to the registrar involved seeking their comment on a proposed sanction, prior to any sanction being finalized. The draft sanction would also be sent to the complainant and, if necessary, NZOC will have a conference call to discuss any comments received and agree the final sanction.

9. Zone Transfer Policy Review

NZOC reviewed the submissions from the public consultation and agreed that the draft policy should be re-written in places, though still retaining the general policy principle that the zone file will only be released where there is good reason to do so.

10. GAC ccTLD Principles

The Guidelines for Delegation and Administration of the ccTLDs were provided to NZOC for information only. These were discussed briefly.

11. Any Other Business

The DNC circulated a draft submission to Inland Revenue, which has been written by the lawyers, regarding GST treatment of foreign registrars. NZOC are asked to send any comments to the DNC so that the letter can be finalised.

12. Next Meeting

The next meeting was set for Monday 28 June.