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4 March 2014

David Farrar
Board Chair
Domain Name Commission Limited
PO Box 11 881
Wellington 6011

Dear David

Consultation on .nz registrations at the second level (third consultation)

Thank you for the opportunity to comment on the Domain Name Commission (DNCL)'s latest consultation on the introduction of .nz domain name registrations at the second level. The Association of New Zealand Advertisers (ANZA) acknowledges that we were not supporters of the original proposal, but welcomes the opportunity to comment on the implementation phase, now that a decision has been reached.

ANZA represents more than 100 leading advertiser companies and organisations in New Zealand. Our members interests cover most influential industry sectors including, Food and Beverages, Liquor, Therapeutic/Pharmaceutical Products and Services, Finance and Banking, Motor Vehicles, Oil Companies, Personal Care, Toys and Non-Government Organisations (NGO's).

Throughout the consultation rounds, ANZA's primary concern in this matter is to ensure that Domain owners, who have invested in both the IP and awareness of their third level domain names, have their rights satisfactorily protected for their brand and corporate IP and legal entities. To that end we have two concerns:

1. That in the case of conflicted names, preference be given to the oldest registration (continuously registered), thereby recognising tenure. Such an approach would be consistent with trademark law with regard to usage.

In the case that the oldest registrant did not wish to take up the second level domain name, the option passes to the next oldest third-level registrant, and so on.

2. If, however, our proposal in point 1 (above) were not to apply then we submit that conflicting names should only be considered where those names were both (or all) registered in advance of DNCL's original proposal. This is important to ensure that no one has had the opportunity to take advantage of the consultation process to register a conflicting name under an alternative third-level domain to the cost of legitimate domain owners.

ANZA again thanks DNCL for the opportunity to comment on this proposal. We would welcome the opportunity to discuss these issues with the Commission in greater detail.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Lindsay Mouat', with a long horizontal flourish extending to the right.

Lindsay Mouat
Chief Executive