

22.04.2021

# Registry Advisory Council Design Group

## Meeting 2

29th March 15:00-16:15 UTC via Zoom

### Attendance

- James Bladel, GoDaddy (Chair)
- Ashley La Bolle, Tucows
- James Tuplin, domain investor
- Paul Woodland, sole trader
- Nominet representatives to assist with actions: Rowena Schoo, Nominet and Nick Wenban-Smith, Nominet

### Apologies

- Rieke Poppe, One.com

### Notes

The Design Group ("DG) began by reviewing the agenda and noting contingencies: the scope of the Registry Advisory Council may be dependent on the decisions the DG make on membership of the Registry Advisory Council. If the Registry Advisory Council only includes registrars it will need to fit into a broader multistakeholder process for making policies for .UK.

### Administration

Transparency:

- Call for views on the Registry Advisory Council Terms of Reference:
  - As requested last meeting Nominet have circulated feedback from members on the proposed Terms of References to the members of the DG. The DG were asked to keep this information confidential in line with their Registry Registrar Agreement purely because the contents includes personally identifiable information which was collected under the expectation it would be shared within Nominet, not that it would be published online or shared with all of the Nominet membership.



- The DG are free to discuss the issues and points raised with wider stakeholders but should not disclose personal information.
- DG Meetings: The DG agreed they would like transparency to be the default position on their meetings. Agreement that we should record a note of each meeting to cover what was discussed and any decisions made which should be published on the Nominet website with DG sign off.

#### Secretariat

- The group discussed the pros and cons of having a Nominet vs independent secretariat for the DG and for the Registry Advisory Council once established.
- Tone of written communication: Several members noted that Nominet's corporate communications style and tone does not make them feel included or represented. The Registry Advisory Council should have some oversight of written communications to ensure they appropriately reflect the group and members feel they can relate to the Registry Advisory Council, that it is 'for them' rather than a replication of Nominet as a corporate entity. The communications could be less formal to reflect this.
- Nominet should be involved in coordinating the communications to the wider membership. However, it could be problematic to ask a Nominet staff member to advocate to the Nominet Board on behalf of the Registry Advisory Council. Several members noted that verbal advocating to the Nominet Board on the content of discussions and decisions should be done by a Registry Advisory Council member not the secretariat.
- The role of the secretariat would be: organise meetings and calls, capture the notes, record decisions, facilitate notes to the board with an accessible, less cumbersome tone.
- Nominet made it clear that their position was to support the Registry Advisory Council with the resources required to achieve their objective as decided by the DG. This could include the time of Nominet staff members or through funding an external independent secretariat.
- In summary, the discussion leaned towards the conclusion that the DG could continue with Nominet staff providing secretariat support, but the Registry Advisory Council would perhaps be better served with an independent secretariat. While it may be possible for a Nominet staff member to perform the role, it would help assure all members that the position was truly independent and reflected the views of Registry Advisory Council members.

#### Registry Advisory Council Scope

The DG discussed the merits of several items being in or out of scope of the Registry Advisory Council and developed the provisional list below.

The group also noted the difference between the Registry Advisory Council members and Nominet Non Executive Directors (NEDs). NEDs have a legal fiduciary responsibility to the company as Board members. Registry Advisory Council members will not be bound by responsibilities to Nominet and can therefore make decisions on behalf of the membership. NEDs are not intended to be an elected representative in the same way a member of parliament or congress would be responsible to their electorate. The Registry Advisory Council members can perform this function.



<b>Issues in scope</b>	
<b>Domain lifecycle</b>	
<b>Pricing?</b> <ul style="list-style-type: none"> <li>• Price reviews, considering trigger circumstances, asking for a justification/rationale of changes.</li> <li>• Competitive analysis of .UK prices v .com or other comparable TLDs</li> <li>• Justification of value v price</li> </ul>	<p>The group noted the challenges around pricing – members of the Registry Advisory Council will be naturally conflicted with price increases, this does not mean there are no circumstances where price increases are justified. They also noted the need for any price discussions to be carefully controlled to comply with competition law requirements.</p>
<b>Transfers, dispute procedures</b>	
<b>Eligibility, tag changes, system functionality, web portal allocation rules?</b>	
<b>DNS Abuse</b>	<p>Technical abuse, including phishing and malware.</p>
<b>Any issues referred to the Registry Advisory Council by the Nominet Board</b>	<p>To capture ad hoc relevant requests.</p>
<b>Any issues referred to the Registry Advisory Council by Members</b> <ul style="list-style-type: none"> <li>• Prioritise &amp; catalogue, respond</li> <li>• Identify reoccurring trends / complaints</li> </ul>	<p>While the Registry Advisory Council should not act as an additional complaint avenue for dissatisfaction with Nominet, it could identify reoccurring trends and issues and raise these to the Board. This could include dissatisfaction with the voting process – however, the group noted that any changes to Nominet's corporate structure have specified change requirements such as member votes and raising them to the Registry Advisory Council may be of limited value.</p>

Issues out of scope	
<b>Pricing (specific amounts)</b>	
<b>Privacy (legal compliance with local regulations)</b>	Several members noted that decisions on privacy should be legal decisions based on local regulatory requirements e.g. GDPR.
<b>Disputes (individual complaints)</b>	
<b>Content?</b>	While Nominet is not bound by ICANN's restrictions regarding content, several members noted they would not like to get involved in decisions of local regulatory expectations for ccTLDs and see this more as a local legal decision.