

05.05.2021

Registry Advisory Council Design Group

Meeting 3

12th April 15:00-16:00 UTC via Zoom

Attendance

- James Bladel, GoDaddy (Chair)
- Ashley La Bolle, Tucows
- Rieke Poppe, One.com
- James Tuplin, domain investor
- Paul Woodland, sole trader
- Nominet representatives to assist with actions: Rowena Schoo, Nominet

Apologies

- Nick Wenban-Smith, Nominet

Notes

Administration

The Group began by reviewing the previous meeting notes and agreeing these should be publicly available. They discussed how best to ensure members were informed of their existence and availability.

- **Action:** Nominet to publish the Meeting Notes on Nominet's website and communicate in appropriate channels.

Scope

The group considered the tables of in scope and out of scope items and added additional notes to clarify intent – updated tables below.



There was a discussion on Nominet's approach to criminal activity¹ – which includes registry action on content. While the group generally felt that decisions which could attract national liability should be the remit of Nominet legal advice, there was a desire for the Registry Advisory Council (the Council) to be included in discussions of processes and changes to the existing approach. For example, having input on how information is communicated to registrars and any future expansion of the current approach. It was clarified that Nominet's existing approach is not based on suspected criminal activity, but involves a trusted notifier relationship with a specific list of UK law enforcement who certify that criminal activity is taking place – as opposed to indicating it may be taking place.

The group clarified that the Council should not be involved in the determination of individual disputes of the Dispute Resolution Service.² They did think it would be acceptable for the Council to comment on surrounding processes and improvements to the policy.

There was a discussion on the Data Release Request process Nominet operates.³ It was noted that the Council may have views on improving such processes but should be cognisant of the regulatory landscape that has informed the current process – in this case, national privacy legislation.⁴

Issues in scope	
Domain lifecycle	
Pricing? <ul style="list-style-type: none"> • Price reviews, considering trigger circumstances, asking for a justification/rationale of changes. • Competitive analysis of .UK prices v .com or other comparable TLDs • Justification of value v price 	<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>
Dispute procedures	Disputes – DRS

¹ The [Criminal Practices Policy](https://www.nominet.uk/policies) is available on Nominet's website: [nominet.uk/policies](https://www.nominet.uk/policies). Reporting on the policy is available in Reports & Statistics [nominet.uk/news/reports-statistics](https://www.nominet.uk/news/reports-statistics)

² The [Dispute Resolution Service Policy](https://www.nominet.uk/policies) and previous versions are available on Nominet's website: [nominet.uk/policies](https://www.nominet.uk/policies)

³ www.nominet.uk/privacy-notice/releasing-your-personal-data-to-third-parties

⁴ *Data Protection Act 2018* which implemented the *European Union's General Data Protection Regulation*.

	<p>Law Enforcement Suspensions: Transparency, Due Process, Notifications</p> <p>Disclosure procedure for non-public contact info (Data Release), Registrant Notification</p>
<p>Eligibility, Transfers, tag changes, system functionality, web portal allocation rules?</p>	<p>Transfers, Tags, Ownership/control, Registrars changing tags w/o Registrant consent, Registrations on behalf of customers.</p>
<p>DNS Abuse</p>	<p>Technical abuse, including phishing and malware.</p>
<p>Any issues referred to the Registry Advisory Council by the Nominet Board</p>	<p>To capture ad hoc relevant requests.</p>
<p>Any issues referred to the Registry Advisory Council by Members</p> <ul style="list-style-type: none"> • Prioritise & catalogue, respond • Identify reoccurring trends / complaints 	<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>
<p>Issues out of scope</p>	
<p>Pricing (specific amounts)</p>	<p>Potential legal issue for competitors.</p>
<p>Privacy (legal compliance with local regulations)</p>	<p>Several members noted that decisions on privacy should be legal decisions based on local regulatory requirements e.g. GDPR.</p>

<p>Disputes (individual complaints)</p>	<p>RAC should not resolve disputes, but focused entirely on Dispute procedures.</p>
<p>Content?</p>	<p>Generally, RAC should consider content issues as out of scope for its work.</p> <p>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.</p> <p>Note: some content rules/procedures may be discussed regarding illegal (UK) content, including CSAM, pharma, etc.</p> <p>RAC should not make determinations on specific content, but general procedures.</p>

Composition

The group began to discuss composition of the Council: How many members should there be? From what segments of membership should they be drawn? How long should they be appointed for? Should we include non-Nominet member representative?

They noted that many of these decisions would not be better or worse but there were simply trade offs to make in terms of benefits and disadvantages e.g. strict term limits ensure new Council members and encourage fresh approaches, but does require a sharp learning curve. Non-Nominet member representatives could provide useful insight and expertise but may be difficult attract to an ongoing role due to priorities and time commitments.

Several Design Group members expressed a strong preference for the Council to represent 'registrars'. If other stakeholder groups had views to contribute this could be collected via a different forum. There could also be a provision for guests to attend if it would be helpful, but there is no need to have standing members. Other international advisory councils for TLDs operate in this fashion – with registrars only represented.

Other Design Group members disagreed with this and felt strongly that the Registry Advisory Council should include non-registrar members as well.

There was a discussion about whether the Council was intended to represent registrars or members of Nominet. There was a clarification made that .UK registrars and Nominet members are

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not an identical group. There is a large overlap between the two, but they are not identical. You can be a member of Nominet without being a registrar, and you can register domains with Nominet without being a member – although it tends to be economically undesirable.

The group agreed they needed clarity from the Nominet Board in what they would like from the Council – is it intended to be a Registry Advisory Council to put forward the views of Nominet members, and therefore is likely to contain non-registrar members. Or is it really intended to be more of a Registrar Advisory Council to provide the member registrar perspective for the .UK registry?

There was a discussion about the importance of non-Nominet member stakeholders to the running of .UK – the registry of course exists for the benefit of those who use it, not just the registrar community. However, it is difficult to see a practical way of representing these views on a Registry Advisory Council taking into account the diversity of stakeholders, time expectations, and the variety of issues to be discussed. It is perhaps best for the Nominet Board to take these wider stakeholder views on in their decision making process, alongside the views of the Council. How these views are best heard is open to experimentation and perhaps outside the Design Group's remit.

Actions

- **Action:** James Bladel to seek clarity from the Nominet Board on Registrars vs Members representation and raise whether this question should be included in the Membership aspect of the upcoming listening exercise.

Action Summary

1. **Action:** Nominet to publish the Meeting Notes on Nominet's website and communicate in appropriate channels.
2. **Action:** James Bladel to seek clarity from the Nominet Board on Registrars vs Members and raise whether this question should be included in the Membership aspect of the upcoming listening exercise.

