

Registry Advisory Council Design Group

Meeting 4

26th April 2021, 15:00-16:00 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

Actions from last meeting

1. **Meeting Notes:** Published on Nominet's [website](#) and communicated to members via email and social media.
2. **Representation:** On the question of whether the Registry Advisory Council is expected to represent the views of registrars or members:
 - The number of .UK registrars who are not Nominet members is relatively small due to the economic advantage of pricing for Nominet members. The number of members who are not registrars is also very small.
 - The Nominet Board must – due to obligations under UK company law and Nominet's Articles of Association – consider the wider views of stakeholder and the impact of their decisions on the general public. This includes the views of non-registrar members, but it also includes the views of non-Nominet member stakeholders, such as the general public, government, IP rights holders, civil society etc.



- If the Registry Advisory Council is created with representation from only Nominet Members (including the registrars and non-registrar members), there will still be a need for the Nominet Board to consider wider stakeholder views. The Council will therefore be one part of a larger process and if it presents views that are created without wider stakeholder input and their advice may be less impactful.
- Having non-Nominet Member stakeholders represented on the Council would reduce the need for additional wider engagement.
- In either model the Nominet Board should take the advice of the Council and engage in dialogue when the Board does not agree with the proposed course of action, or would like to adjust details with the Council. For example, the Board may agree in principle, but disagree on timing or request the Council considers an additional question, or need to conduct work on impact and prioritisation. For example, they may ask the Council to further consider the impact of their advice on a particular stakeholder group.
- The Design Group noted the views of Nominet members in the mini consultation on the Terms of Reference. In relation to the suggestion for a public benefit Council member they felt that as public benefit funding was currently considered out of scope of the issues the Council would advise on this would not be necessary.
- While the Design Group agreed that non-Nominet Member views were important to the issues in scope, they noted the practical difficulties of having them represented on the Council by one or a handful of people. They discussed the options of having guest attendees or having the Registry Advisory Council reach out to specific groups to understand their viewpoints, e.g. conduct a survey to understand the view of the general registrant on a particular issue.
- Given the time constraints and the desire to get the Council up and running, the Design Group agreed that they would proceed on the basis that voting positions on the Council would be made up of Nominet members and other view points could be shared through non-voting guest attendees on a case by case basis and through outreach to particular groups (e.g. surveys and research). These external voices could perform the role of "expert witnesses" while not forming part of the "jury" on decisions.
- The Design Group noted that this issue may need to be revisited as they progress with assessing the other aspects of the Terms of Reference.

Composition

- The Design Group noted the original proposal in the [Terms of Reference](#)



"3. Membership

The Nominet Registry Advisory Council shall comprise of no fewer than three members. The recommended structure is:

- *One member from the large retail/reseller market;*
- *One member from the mid/smaller retail/reseller market;*
- *One member from the secondary market; and*
- *One member from the brand protection market.*

Attendees from Nominet UK will include:

- *A Non-Executive Director of Nominet UK;*
- *The Managing Director of Registry; and*
- *The CEO of Nominet.*

Council members are elected through an open process. Nominet will call for nominations for the election of representatives and elections shall be conducted on the basis of one member one vote.

Expressions of interest should be formally submitted to the Nominet Company Secretary. To allow members to make an informed choice when casting their vote each candidate should submit a written election statement (250 word limit). Council members will initially serve a two-year term and may be re-elected. The Chair of the Nominet Registry Advisory Council shall be elected by the Council members annually. After the Chair has served a one-year term they may not re-stand for the role of Chair for one year."

- On composition, the group discussed the following issues:
 - It may be illogical to try and cover both registrar size and market segment? Due to consolidation of the industry there are several registrars who could fit into multiple categories e.g. a large registrar may also be a brand protection registrar.
 - The number of attendees – one Council member from each segment – seems a bit small.
 - The rotation of terms is sensible, it could perhaps even happen more frequently – would a rotation of multiple members each meeting prevent fixed views and allow for more voices from each segment? Although the frequency of meetings may make this impractical – per meeting rotation may be too frequent to allow for continuity.
 - Perhaps only a portion of the larger group is re-elected each year? E.g. 8 members, with 2 re-elected each year while the others stay on to maintain continuity?



- On the Nominet attendees, it was proposed that the CEO did not need to attend – the Managing Director of Registry plus a Member Elected NED would be sufficient.
- Design Group Proposal
 - The group discussed a new proposal:
 - Two members from a large registrar (top 25, by number of domains under management)
 - Two from a smaller registrar serving third party registrants
 - Two from domain investor community (someone who does not serve a third party but has their own portfolio)
 - Terms: 2 years, staggered election – half the Council refreshes each year
 - Meetings: four-six meetings a year
 - Nominet attendees: Managing Director of Registry (non voting), Member Elected NED (voting)
 - Removal of Council members: There was general agreement that there should be a mechanism for Council members to be removed – other than waiting for their term to end. E.g. votes from the other Council members triggered by non attendance.
- Discussion
 - Overlapping categories:
 - There was a general agreement that prospective Council members would self select the category that most appropriately reflected their position. E.g. if they have half of their domains for themselves and half for friends/family then they should select which category was the most accurate for them.
 - We would then rely on the membership recognise this and to vote appropriately, (i.e. not vote for disingenuous candidates).
 - Voting:
 - Each category would be elected through a vote from the whole membership (i.e. if you are a small registrar you still get a vote in the top 25 election)
 - The group envisage that candidates would go through a process of nomination and seconding from the Nominet membership.
 - Domains under management v size:
 - The group noted it is very difficult to account for business/organisation type and size of company. They wondered whether domains under management

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may produce unusual results. For example, some large corporate entities hold a small number of domains under management but could end up in the 'smaller' registrar serving third parties. This category would also include non domain industry companies or organisations that have small or no domains under management, in addition to any smaller registrars or sole trader registrars.

- The group contemplated an 'other' category but worried this could be open to abuse with people claiming to belong in this place to increase the number of votes for a particular segment.

The group agreed this was a good start on composition and would need to be continued in future meetings.

