



Comments on auDA Industry Advisory Panel draft recommendations on the Accreditation and Regulation of Domain Name Registries and Resellers in Australia

ACCAN welcomes the opportunity to comment on the Panel's draft recommendations arising from the public consultation and subsequent Panel deliberations. As noted in our previous submission, ACCAN's approach is informed by the view that domain names are a public resource which should be provided for the benefit of the public, including registrants and the community generally.

ACCAN is in agreement with some of the Panel's recommendations, but notes that some points raised in our previous submission have not been addressed. These are as follows:

Issue 1. The method of 2LD registry operator selection/appointment post-2014

Draft recommendation 1A:

ACCAN supports a time limit during which a full tender process for a top level registrar should be conducted. The current draft recommendation omits any reference to such a time line. It is ACCAN's view that the tender process should be conducted no later than 2018, in order to ensure that the current monopoly does not prevent a healthy competitive market with the potential to deliver reduced costs for consumers.

Criteria to be employed in any proposed tendering process should be broadened to include a variety of benchmarks beyond merely competitiveness and cost. Criteria such as technical competence, level of security and compliance with all relevant codes, policies and agreements are factors to be taken into account as part of a tender.

Issue 2. The policy and process for registrar accreditation

Draft recommendation 2A:

ACCAN endorses the notion that the standard for new registrars should be as high as possible. Increasing registrar accreditation fees may not be the best method for achieving high entry standards and performance.

It would be more appropriate to raise standards by setting down requirements which registrars would be obliged to satisfy and which would benefit consumers. Examples of such requirements are adequate insurance and satisfactory security measures.

Draft recommendation 2C:

The panel has recommended the retention of the 6 month period for all potential .au registrars to act as resellers of another registrar prior to accreditation. ACCAN's view is that this period should be extended to

a minimum period of one year, allowing potential registrars to ensure that their systems are working effectively and that staff are adequately trained. A longer lead time would provide an opportunity to effectively evaluate a service's quality and reliability through the conduct of audits, thereby establishing a more rigorous accreditation process.

Draft recommendation 2D:

ACCAN supports a change to the current accreditation procedures so that registrants are given greater protection against opportunistic drop-catching and reselling in order to avoid scenarios where a small business has to repurchase its inadvertently lapsed domain name, adopt a less desirable domain name, or take legal action against the new registrant.

A business's commercial success or failure often depends upon the security of its domain name. In order to minimise the risk of inadvertent lapsing of domain names, the possibility of coupling the domain registration process and the registration processes for trademarks, ABN, and ACN should be considered. Ideally, the registration of business names and domain names should be integrated.

In view of the significance of opportunistic drop-catching for consumers, ACCAN is supportive of the proposal put forward by AusRegistry that a working group be set up to give further consideration to drop-catching business models in the accreditation process.

Issue 3. Registrar security

ACCAN supports the proposed introduction of a mandatory security standard. This will contribute to greater confidence in registrars.

Registrars should not be entitled to retain their accreditation unless they undergo an annual assessment. The outcome of that assessment should be publicly available, together with a certificate of currency for each registrar's accreditation.

The level of security required in order for a registrar to retain its accreditation should be equivalent to industry best practice. Periodic auditing should be conducted to ensure that this is maintained. We note that Domain Name System Security Extensions (DNSSEC) have not been widely adopted, and consider this should be adopted as an important part of any security regime.

Issue 4. The status and regulation of resellers

Draft recommendations 4A and 4B:

ACCAN welcomes the Panel's recommendation that auDA develop a standard registrar/reseller contract.

However, as indicated in our previous submission, ACCAN's view is that a rigorous accreditation scheme for resellers would contribute to greater protection for domain name owners.

In spite of the costs involved, it would be appropriate to formalise the status of resellers, whether through accreditation or some other mechanism (such as registration or authorisation to act as a reseller). While

formalisation might not of itself provide protection to consumers, failure to obtain such accreditation or authorisation could act as a flag warning consumers that a reseller may not be secure, well established or reliable and that they should be cautious in their dealings with that reseller.

Draft recommendation 4C:

While welcoming the recommendation that contact details for resellers be added to the registry database, we consider that to be effective it should be mandatory for registrars to include reseller contact details in their systems so that a comprehensive record is compiled.

In general, ACCAN urges the Panel to adopt a stronger position in relation to resellers, to provide a mechanism to allow registrants to make informed choices about the quality and reliability of different entities. For example, there is currently no transparency of reseller compliance with the Domain Name Suppliers' Code of Practice. This information should be publicly available so that registrants can be guided by a track record of reseller behaviour when entering agreements.

Issue 5. The policy and process for registrar transfers

ACCAN supports the Panel's recommendation to allow bulk transfers subject to appropriate consumer protections. However, we consider that such protections need to be clearly and fully enunciated to ensure transparency and to assist consumers understand what rights they may have in this process.

Issue 6. The status and operation of the .au Domain Name Suppliers' Code of Practice

The panel has recommended that auDA take on responsibility for facilitating regular review and updating of the Code of Practice. ACCAN welcomes this recommendation if it results in regular reviews of the Code, with wide consultation with stakeholders and the general public.

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