

## Minutes

17th November 2017 at 1:00PM

**Present:** John Swinson (Chair), Paul Zawa, Professor Andrew Christie, Brett Fenton, Ned O’Meara and Narelle Clark.

Meeting commenced at 1:00pm

John welcomed Panel members to the meeting. The key issues discussed were:

### 1. Submissions

The Panel received 51 submissions in response to the Implementation of Second Level Domain Name Registrations (Direct Registration)

- No clear consensus on a preferred option for implementing direct registration
- Submissions were received from a broad range of stakeholders, including registrars, registrants, consumer protection agencies, and education sector

The Panel agreed that a communication strategy for informing and engaging with a broader representation of the Australian Internet Community was necessary to ensure widespread dissemination of discussion papers, and to inform registrants of potential changes to .au policies and the implementation of direct registration.

The Panel will be hosting stakeholder forums in Brisbane, Sydney, Melbourne and Perth after the release of the Registrant Policy and Direct Registration Policy discussion papers in early February.

### 2. Differentiating .au

The Panel spent considerable time exploring the purpose of .au and how to drive new growth in the .au domain. The Panel acknowledged stakeholder concerns that direct registration was a money grab. The Panel noted that determining the purpose of .au will determine to some extent the implementation model.

The Panel agreed that .au should be differentiated from the underlying 2LDs. The Panel did not reach consensus on the purpose of .au (commercial, campaigns, government etc) but noted that .au could be a less regulated space compared to the 2LDs.

One option examined was to block from registration at the second level any domain name already (at the cut-off date) registered at the third level, allowing only an existing registrant at the third level to register the name at the second level. This would create “new” growth in the .au domain, and negate the need for defensive registrations.

### **3. Cut-off date for priority rights**

The Panel noted that there was no clear consensus on the cut-off date for determining priority registration. The Panel noted that there has been no evidence of gaming or profiteering in the period after the Board announcement on 18 April 2016. The Panel accepted that more than 2 years had passed since the announcement and a more recent date may be appropriate. Suggestions included:

- the release of the direct registration preferred option paper,
- draft report and draft policies release or
- date the Panel convened.

### **4. Competing claims process**

There was no consensus on the process for resolving competing claims by existing registrants to the same name at the second level. Ned O’Meara argued for com.au registrants to be given priority as they represent 90% of registered domain names, and are ‘premium’ domain names. The Panel did not accept this argument for the following reasons:

- the no hierarchy of rights principle underpins .au
- difficulty determining a value metric for distinguishing between different purpose 2LDs
- issues relating to community benefit (government services and charities).

The Panel expressed concern about an auction process due to the NFP status of auDA.

The Panel were attracted to a two-step process involving a consensus based approach followed by a lottery where the parties could not come to agreement.

Ned O’Meara disagreed with a lottery, and stated that in his opinion, the Panel should not go for the “least worst decision” when it comes to trying to decide on an implementation policy. If direct registration is not capable of being fairly implemented, then it is the Panel’s responsibility to inform auDA accordingly.

### **5. Reserve List and implementation process**

These items were held over to the meeting on 29 November 2017.

The next meeting will be held on 29 November 2017.

Meeting Closed at 4:25pm