.au Policy
Review Panel

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Minutes

1 May 2018 at 10:00AM

Present: John Swinson (Chair), Professor Dan Hunter, Brett Fenton, Narelle Clark, Nicola Seaton, and Ian Halson

Meeting commenced at 10:00am

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

1.	Panel introductions

John Swinson welcomed Professor Dan Hunter, Nicola Seaton and Ian Halson to the Panel. The new Panel members introduced themselves and disclosed matters that could be considered to give rise to potential or actual conflict of interest.

John Swinson sought feedback from Panel members for recruitment of two additional auDA members (Domain/Supply) to the Panel. Panel members agreed with the suggestion. The Panel agreed that the position of Government Regulator should also be filled. John Swinson reported that auDA was assisting in this respect, and was consulting with the Federal Government to assist in finding a replacement Government representative for the Panel.

The Secretariat confirmed that a Department of Communications observer is invited to each Panel meeting.

John Swinson discussed the Panel's upcoming deliverables.

Panel members noted that an Interim Report is due to the auDA board by 14 May 2018. John Swinson advised Panel members that the draft report will be circulated to the Panel by 9 May 2018. Panel members noted that a subsequent meeting will be held to discuss the draft Interim Report.

The Panel discussed consultation for the implantation of Direct Registration. Panel members agreed that the draft rules and explanatory statement should be made available for public for consultation.

John Swinson provided Panel members with a revised timeframe and project plan, and sought feedback. Panel members noted the new timeframes and will advise on Confluence.

2.	Government review

Cameron Boardman, auDA CEO, addressed some of the issues surrounding the Government review and the impact it may have on the Panels timeframes. Cameron Boardman clarified the following:

- the revised timeframe for the Panel to provide draft policies to the board will be 17 December 2018. Direct registration implementation policy is to be provided to the Board at the same time.
- the auDA board will not decide on the implementation of Direct Registration until the second half of 2019. Cameron Boardman advised Panel members that the Panel should continue to work and report on the implementation of direct registration policy as planned.
- auDA is committed to providing support to the Panel.
- auDA will conduct a regulatory impact analysis once the panel has provided their preferred Direct Registration implementation model.

| **3.** | **Registry** |

Dr Bruce Tonkin, Registry Project, outlined policy issues, including the use of a domain name as a unique identifier, new licence periods, and business rules. The Panel noted these issues.

| **4.** | **Compliance issues** |

The auDA Compliance Team presented on key issues that arise under the current policies. The Panel noted these issues.

| **5.** | **Direct Registration Rules** |

Drafting instructions

The Panel Discussed the previous set of drafting instructions, and agreed that it would be appropriate to seek alternate drafting arrangements. John Swinson stated that he would notify auDA of the Panel's decision via a formal request.

Cut-off date

The Panel revisited the cut-off date for determining priority registration and eligibility to participate in the conflicting names process. The Panel agreed to change the cut-off date from 18 April 2016 to 4 February 2018, which is day before the PRP forums commenced. Panel members agreed that the date may need to change again in the launch date for Direct Registration is later than currently anticipated. The Panel also agreed that if a domain name registrant held a relevant domain name before the cut-off date, and transferred the domain name license after the cut-off date, then the transferee would be treated as if holding the domain name prior to the cut-off date for the purposes of the implementation process (but this would not apply if the domain name was dropped and re-registered.)

Lock Period

Panel members agreed that where a contested second level domain (SLD) has been locked on the priority application completion date, the lock will be lifted when there is only one priority applicant left. The Panel agreed that the priority applicant should be able to express interest within six months. Panel noted that where that where the SLD is not contested, and there have been no expressions of interest within the 6-month period, the SLD will be publicly released.

Fees

John Swinson canvassed Panel members views on whether there should be a fee to obtain a SLD token. The Panel noted concerns around the fee and agreed that if a registration fee was charged, the fee should be determined by the auDA board ideally on a cost recovery basis.

Eligibility .au

The Panel discussed eligibility rules in the .au namespace. Panel members agreed that the sole eligibility criteria for .au should be an Australian Presence Requirement.

John Swinson advised Panel members that he will update the current drafting instructions to reflect what was discussed.

6.	Registrant Issues

Eligibility and Allocation rules for existing spaces

John Swinson canvassed Panel members' opinions about eligibility and allocation rules for exiting spaces, in particular .com.au. The Panel agreed that the space should be a strong, well defined and meaningful space.

The Panel noted that the existing policies for .com.au stated that domain names should not be registered for resale, speculation or for warehousing.

The Panel agreed that the domain monetisation rules should be repealed.

The Panel agreed that the close and substantial connection rule should be clarified. Further, there should be a defined period, for example, 6 months from the registration, to allow a registrant time establish the connection. Professor Hunter will prepare a revised draft for consideration by the Panel.

The Panel discussed grandfathering existing domain names.

7.	Other business

Housekeeping

John Swinson reiterated that all meetings are confidential to the Panel. John Swinson advised Panel members that if they would like to raise an item for discussion, they are required submit their request to the chair 5 days prior to the meeting.

The Panel discussed establishment of an Issues Register.

Working groups

John Swinson canvassed Panel members opinions on whether working groups should be formed to develop policy recommendations for the Registrar and Complaints policies. The Panel agreed that a registrar working group should be formed, and agreed that Brett Fenton should Chair the group.

John Swinson requested that the secretariat provide TOR for the registrar working group. Panel members agreed that it would not be beneficial to form a working group for the Complaints policy.

The next meeting will be held by Skype on the 14 May 2018.

The meeting closed at 4pm