

**NEW 2LDS ADVISORY PANEL
DRAFT RECOMMENDATIONS, JUNE 2010**

SECOND PUBLIC CONSULTATION: SUMMARY

This is the second public consultation by the New 2LDS Advisory Panel. The first consultation, a Discussion Paper issued in April, canvassed two issues. One issue was the current policy on creating new second level domains (2LDs), and the other issue included proposals relating to two proposed new 2LDs and two existing but little-used 2LDs.

The Panel has now considered submissions made in response to the Discussion Paper, and the results of the accompanying online survey. This paper represents the Panel's conclusions, and its draft recommendations to the auDA board of directors. It is your second (and final) opportunity to comment on the Panel's findings.

The Panel suggests that current policies relating to creation of new 2LDs are broadly supported, but will recommend a small change which relieves the proponent of a new 2LD of the entire responsibility for developing a business case for it.

On the second issue, the Panel has found that there is inadequate support for the creation of blog.au or event.au, or for the reactivation of info.au. The Panel also found that there is no evidence of general user demand for the reactivation of conf.au, although there is a case for grandfathering (ie. continuing) linux.conf.au, the sole but strongly-supported example of a long-standing use of the 2LD.

The Panel has issued its Draft Recommendations to provide another opportunity for public comment.

HOW TO SUBMIT YOUR COMMENTS

If you would like to comment on the Panel's Draft Recommendations, you can send a written submission to:

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Electronic submissions are preferred. All submissions will be posted on the auDA website within 2 working days of receipt, unless clearly marked confidential.

The closing date for submissions is Friday 23 July 2010.

BACKGROUND

In December 2009 the auDA board established the New 2LDs Advisory Panel to:

- evaluate proposals for the creation of new second level domains (2LDs) against the approved selection criteria;
- consider proposals for the reactivation of conf.au and info.au; and
- provide recommendations to the auDA board.

Full text of the Panel's Terms of Reference, a list of Panel members and minutes of Panel meetings to date, are available on the auDA website at <http://www.auda.org.au/new2ldsap/new2ldsap-index/>.

Under its Terms of Reference, the Panel is required to undertake at least two rounds of public consultation, to ensure that its recommendations to the auDA board have been properly canvassed with, and informed by, key stakeholders and the general community.

The Panel released a Discussion Paper in April 2010, to invite comments on:

- the creation of new 2LDs in general, and auDA's current policy and process for new 2LDs; and
- the Panel's initial views on the eight proposals for new 2LDs, conf.au and info.au received by auDA in 2009.

The Panel received seven formal submissions and 63 responses to the online survey that accompanied the Discussion Paper. The Panel has taken this feedback into account in formulating its draft recommendations, which are now being released for a further round of public consultation.

GLOSSARY

Term	Definition
2LD	Second level domain, ie. a name at the second level of the .au domain name hierarchy (eg. com.au)
3LD	Third level domain, ie. a name at the third level of the .au domain name hierarchy (eg. domainname.com.au)
auDA	.au Domain Administration Ltd
ccTLD	Country Code Top Level Domain (eg. .au, .uk)
DNS	Domain Name System
gTLD	Generic (or Global) Top Level Domain (eg. .com, .biz)
Registrant	An entity or individual that holds a domain name licence
Registrar	An entity that registers domain names for registrants and is accredited by auDA

1. NEW 2LDS POLICY AND PROCESS

1.1 The main principles that govern auDA's current policy and process for the creation of new 2LDs are:

- a new 2LD must be **in the public interest**; and
- **no proprietary rights** should attach to a 2LD.

The Discussion Paper outlined a number of policy issues that must be considered when determining the public interest as it relates to a new 2LD.

1.2 Responses to the Discussion Paper indicated general acceptance and approval of the current policy and process for new 2LDs. However, the Panel took note of one submission which argued that it was unreasonable to expect the proponent to be responsible for developing the business case for a new 2LD. Whilst Panel members endorse the general principle that it should be the responsibility of the proponent to make the case for a new 2LD, there needs to be a degree of flexibility so that a potentially good idea is not disregarded on process grounds. The Panel believes that this can be achieved with relatively minor amendments to auDA's new 2LD process, to give future evaluating Panels the discretion to conduct their own research if warranted.

Draft Recommendation 1:

That auDA amend its new 2LDs process to give the evaluating Panel the discretion to conduct its own research with respect to new 2LD proposals.

2. PROPOSALS UNDER CONSIDERATION

2.1 The Panel has evaluated two proposals for new 2LDs – blog.au and event.au – against the approved selection criteria:

1. The 2LD should serve the needs of users, or a community of users, that are not well served by the existing 2LDs. A proposal should define a user group and indicate clearly why its needs are not as well served at present as they would be with the proposed new 2LD. “Users” included both registrants and non-registrants who may benefit from or use the 2LD.
2. There must be clear support for the 2LD, in particular among the users it is intended to serve, and in general terms from the wider community. “Users” includes both registrants and non-registrants who may benefit from or use the 2LD. Strong evidence of support should be provided. Reasonable objections to the creation of the new 2LD from the wider community during public consultation, will be taken into account.
3. The 2LD should contribute to the broad utility of the Australian DNS and be generally relevant to users. “Users” include both registrants and non-registrants who may benefit from or use the 2LD. For example, a 2LD that is not of benefit, use or interest to most users of the Australian DNS will generally not be acceptable.
4. The 2LD must be consistent with the existing .au 2LD hierarchy and otherwise compliant with auDA policies.

2.2 The Panel has also considered two proposals to reactivate conf.au, and four proposals to reactivate info.au.

blog.au

2.3 The proposal for blog.au states that its purpose would be “to provide a specific 2LD that Registrants could use for when they wanted to establish a website for blogging purposes.” The intended users of blog.au would be all Australian entities and individuals who wish to establish a blog about a specific topic (eg. football.blog.au).

2.4 The Panel notes that public comments received in relation to this proposal were mostly negative, and so it has confirmed its preliminary assessment of blog.au against the selection criteria (refer to paragraph 2.1 above), as follows:

1. The Panel’s view is that the needs of bloggers are already accommodated because there is no restriction of people setting up blogs within any of the existing 2LDs.
2. The Panel notes that the proponent has not provided any evidence of support for blog.au among intended users, or the wider community.
3. Given the lack of evidence of user support (see 2 above), the Panel does not have sufficient information to judge the proposal against this criterion at this time. It notes that the creation of a blog.au 2LD would not of itself improve the ability of users to blog in a technical sense, although it may enhance the ability of users to brand their blog.
4. The Panel notes that the name “blog” is format specific, which is at odds with the more generic names of the existing 2LDs. The proposed policy rules would require auDA to enforce a specific type of web content, which is also in contrast to the policy rules for existing commercial 2LDs.

Draft Recommendation 2A:

That the proposal for blog.au should not be accepted by auDA at this time.

event.au

2.5 The proposal for event.au states that its purpose is to “consolidate the event industry across Australia”. The proponent of event.au has suggested that it be introduced as a replacement for conf.au, in order to “broaden the eligibility for all types of events”. The intended users of event.au would be Australian entities who wish to register a domain name for an event (defined as meetings, conferences, seminars, exhibitions, fairs, festivals, fetes, tournaments, races, games, dances, parades, performances or parties).

2.6 The Panel notes that its initial belief that event.au would have a broader appeal than conf.au was not borne out by the public consultation. The Panel concludes that to the extent that there is support for an events-related 2LD, it is for conf.au not event.au. The Panel has therefore confirmed its preliminary assessment of event.au against the selection criteria (refer to paragraph 2.1 above), as follows:

1. The Panel’s view is that the needs of users are already accommodated because conference organisers and event managers can register domain names in existing 2LDs, under the “close and substantial connection rule”.
2. The Panel notes that the proponent has not provided any evidence of support for event.au among intended users, or the wider community. The Panel further notes that its own attempt to consult with the peak body for Australian conference organisers was unsuccessful.
3. Given the lack of evidence of user support (see 2 above), the Panel does not have sufficient information to judge the proposal against this criterion at this time.
4. The Panel believes that the proposal meets this criterion; the name “event” is generic, and the proposed policy rules would be consistent with policy rules for existing commercial 2LDs.

Draft Recommendation 2B:

That the proposal for event.au should not be accepted by auDA at this time.

conf.au

2.7 Of the two proposals to reactivate conf.au, one (Walsh) supports the narrow focus of the original 2LD on conferences and exhibitions, while the other (Tearle) suggests that the 2LD could be expanded to include a wider range of events. Both proponents argue that the utility of conf.au has already been demonstrated through past use (eg. linux.conf.au, bestforwomen.conf.au).

2.8 The Panel notes that the majority of responses to the online survey were from people who wanted to express their support for the reactivation of conf.au, and of those, the majority focused specifically on the continuation of linux.conf.au.

2.9 Notwithstanding the enthusiastic support of the Linux community, the Panel does not believe that there is sufficient evidence of general user demand for the reactivation of conf.au. As noted above in relation to event.au, the Panel’s own attempt to consult with the peak body for Australian conference organisers was unsuccessful.

2.10 Two Panel members do not agree with the majority view, and their minority opinion is provided at Attachment A.

2.11 The Panel acknowledges that the Linux conference has established a long-standing online identity through the use of linux.conf.au. The Panel notes that it is not within its terms of reference to make recommendations with respect to specific domain names, however its view is that there is a strong case for grandfathering linux.conf.au.

Draft Recommendation 2C:

That conf.au should not be reactivated by auDA.

info.au

2.12 Four proposals for info.au were received.

- *For registrants who are not eligible in any other 2LD (AusRegistry)* – to make info.au domain names available only to registrants who are not eligible to register in any of the existing 2LDs.
- *For “major information resources” (auDA staff)* – to reactivate info.au for its original purpose, for “major information resources”.
- *For premium commercial registrations (auDA staff)* – to change info.au into a “premium” commercial 2LD, with more restrictive policy rules than com.au and net.au.
- *Close it down (auDA staff)* – to close down info.au, due to the apparent lack of public demand or interest, rather than keep it suspended indefinitely.

2.13 The Panel notes that there was no strong support for reactivating info.au. Responses to the survey indicated a mild level of support for the suggestion to expand AusRegistry’s proposal for info.au to include people who don’t want to register in other 2LDs, however this was counter-balanced by concerns about the prospect of defensive registrations if info.au was reactivated as another commercial domain space.

Draft Recommendation 2D:

That info.au should not be reactivated by auDA.

MINORITY OPINION REGARDING CONF.AU

Two Panel members are inclined to agree with arguments put forward by respondents to the Discussion Paper, that the apparent lack of demand for conf.au may be explained by one or all of the following factors:

- the fact that conf.au has been unavailable since auDA took over;
- the original policy of short term registrations, forcing registrants to re-register their domain name every year;
- the poor service provided by the previous administrator of conf.au.

If conf.au was reactivated in line with standard auDA policies (ie. 2 year registrations, service provided by accredited registrars), then the Panel members believe that conf.au may fill a gap in the market for events-related domain names.