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New2LDsAP Meeting - 18 February 2010

Present:

David Cake, Sally Foreman, Kim Heitman, Tristan Kathage (observer), Jo Lim, Andrew Lonsdale, Kim Lowton, Graham McDonald, George Pongas, Holly Raiche, Brenton Thomas (observer), Derek Whitehead

Actions:

- DW and JL to draft discussion paper for public consultation, setting out the Panel's views on broad public interest considerations as well as the new 2LD proposals themselves.
- JL to contact Brian Burnett on behalf of Panel, requesting further information in relation to the event.au proposal.

Discussion:

1. Welcome and introductions

Panel members and observers introduced themselves and declared relevant interests.

Brenton Thomas (DBCDE) advised that the Department's participation in the Panel as observer will be dependent on resources, and should not be taken as indication that the Department endorses the outcome of the Panel. He referred to a letter from Senator Stephen Conroy to the chair of the auDA board, expressing the Minister's interest in new 2LDs and the need for the process to include comprehensive public consultation.

2. Panel operating procedures

The Panel noted and agreed the operating procedures (attached).

3. Introduction to .au and new 2LDs

Jo Lim gave a presentation on the history of the .au 2LD hierarchy, and a comparison between auDA's process for new 2LDs and ICANN's process for new gTLDs (copy of presentation circulated on mail list).

Derek Whitehead gave a summary of the new 2LD process held in 2002-03. The Panel at that time undertook a thorough examination of the policy issues associated with introducing new 2LDs, and the main principles that emerged were that a new 2LD must be in the public interest, and that no proprietary rights should attach to a 2LD. These principles were endorsed by the auDA board in 2003, and have since been incorporated into auDA's policy framework for the .au domain.

During the 2002-03 process, auDA received 17 proposals for new 2LDs. Only one proposal was recommended, to create eight new 2LDs for the Australian states and territories to allow community use of geographic domain names. Other proposals that were shortlisted were for catholic.au and university/uni.au; both were ultimately rejected owing to the proponents' reluctance to recast their proposals as open (non-proprietary) 2LDs, on the ground that this would not satisfy the interests of their intended users.

4. Panel Terms of Reference – process and deliverables, public consultation

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The role of the Panel is to evaluate proposals for the creation of new 2LDs against the approved selection criteria, and consider proposals for the reactivation of conf.au and info.au. The aim is for the Panel to reach consensus agreement and provide a single recommendation (or set of recommendations) to the auDA board. The Panel is not restricted to “yes/no” recommendations; for example, the Panel could recommend that a new 2LD proposal be accepted with modifications.

The overriding consideration for the Panel, with respect to both new 2LD proposals and conf.au/info.au proposals, is whether they are in the public interest. The public interest lies in making the .au DNS better; in other words, can we improve the .au DNS – for all users, including industry participants as well as consumers – by creating the new 2LD? This encompasses the issue of user need, in particular whether there is a significant group of users who are currently not well-served by the existing 2LD hierarchy. The Panel agreed to do more work on defining the public interest as it applies to new 2LDs.

The Panel acknowledged that introducing a new 2LD would represent a major change to the .au DNS and therefore warrants extensive public consultation. The Panel will need to give consideration to the most effective methods of consultation, given the lack of awareness of domain names among the general public.

5. Discussion of new 2LD, conf.au and info.au proposals

Two proposals for new 2LDs were received: blog.au and event.au. It was noted that neither of the proposals included all the mandatory elements listed in the call for proposals; however, the Panel agreed that it would accept the proposals for evaluation.

Two proposals were received for conf.au, and four proposals for info.au.

event.au and conf.au

The Panel decided to consider these 2LDs together, as they both propose that there is a need for an events-related 2LD. It was agreed that it would not be desirable to have both conf.au and event.au, and all Panel members thought that “event” was a more intuitive name and would have a wider application than “conf”.

The main question raised by Panel members was whether there is any evidence of user demand, or support for the proposal from among the intended user group. Whilst it is open to the Panel to conduct its own consultations with event managers and the like, it was agreed that the first step would be to ask the proposer (Brian Burnett) for further evidence that he has canvassed his proposal with relevant stakeholders.

The Panel discussed the pros and cons of short duration domain name registrations (as applied in the original conf.au 2LD), and concluded that there is no reason why an events-related 2LD should be exempted from the standard 2 year licence period that applies in existing 2LDs.

The Panel noted that event managers etc can already register domain names in existing 2LDs, under the close and substantial connection rule. It was also noted that, to Panel members’ knowledge, there is no international equivalent of an events-related 2LD in any other ccTLD.

info.au

The Panel discussed the four proposals received.

The proposal from AusRegistry to make info.au domain names available only to registrants who are not eligible to register in any of the existing 2LDs, was thought to be too difficult to enforce. There was also some doubt as to whether there are many registrants who are ineligible for any other 2LD – perhaps only a very small group of individuals.

Of the auDA staff proposals, the Panel felt that “major information resource” would be too hard to define and enforce, and the time for creating a “premium” domain space has probably passed.

The Panel expressed concerns about reactivating info.au only for it to be filled with defensive registrations. Some Panel members also drew a comparison with the .info gTLD which is not well regarded among industry participants.

blog.au

The Panel discussed whether a blog.au 2LD would meet user needs that are not already accommodated within the existing 2LDs. It was noted that people can, and already do, set up blogs under other domain names. It was also felt that the name “blog” is too format-specific for a 2LD, and that it would be very difficult to define and enforce a requirement for the registrant to use the domain name for the sole purpose of operating a blog.

6. Next meeting

The Panel's meeting schedule will be finalised on the mail list. It was agreed to hold future meetings at 4-6pm in order to accommodate interstate members and people's work commitments.

Operating Procedures

1. Meetings

The Panel's meeting schedule will be confirmed at the first Panel meeting.

Participation in meetings should be as equitable as possible, given that some members will be attending in person and some by telephone. Meetings of the full Panel may be supplemented by teleconferences or meetings of sub-groups if required.

2. Proxies

Panel members are permitted to send proxies to meetings where necessary. The Panel member must ensure that their proxy is sufficiently briefed to ensure continuity of Panel proceedings. Members cannot replace themselves by proxies on an ongoing basis; if a member cannot continue their position they should resign from the Panel.

3. Confidentiality

Panel proceedings are confidential. Members are free to canvass, discuss and debate the issues outside Panel meetings (eg. on public mail lists or with their constituencies) but not to disclose the proceedings of the Panel - ie. what is actually said and by whom. To do so is likely to inhibit free discussion and work against an outcome.

4. Consensus

Consensus has been defined by auDA as a 2/3 majority, although whether this means a 2/3 majority of members as a whole or 2/3 majority of members who are present at a meeting is yet to be determined. In the past, Panels have mostly been able to reach consensus without needing to call a formal vote on issues. There is an expectation that the Panel will provide a single recommendation to the auDA Board, however a significant minority opinion could also be presented to the Board as part of the Panel's final report.

5. Conflict of interest

All Panel members have, or represent, a particular stakeholder interest and in most cases the nature of that interest will be clear. However, if any members feel that they need to clarify their interests in relation to particular issues under consideration, then they should do so.

6. Minutes, papers and submissions

Panel minutes will be published on the auDA website as soon as possible after each meeting. The minutes will record the Panel's discussion, but will not attribute comments to individual members unless expressly requested by the member. Panel papers are confidential until published on the auDA website. Papers will ordinarily be published unless the Panel decides that a paper should remain confidential, in which case the minutes will record the existence of the paper. All submissions to the Panel will be published on the auDA website unless clearly marked confidential.

7. Reporting and publicity

The Panel Chair will report to the auDA Board at each Board meeting. The Panel is independent of the Board in its deliberations, but the Board has the final say on what actually happens. The only official statements made on behalf of the Panel will be made by the Chair. Panel members are free to speak about the work of the Panel, but should make it clear that they are not speaking on behalf of the Panel.

8. Panel mail list

The mail list for the Panel is panel-new2lds@lists.ada.org.au. Discussion on the list is

confidential, and posts to the list will not be published or archived.

9. Panel resources

auDA will provide secretariat support to the Panel. auDA will also, at its discretion, provide financial assistance to Panel members who require it. auDA will consider any reasonable request for additional resources that the Panel believes are necessary to complete the Terms of Reference (eg. market research surveys). Any such request should be made to auDA by the Panel chair.

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