

Policy Advisory Committee (PAC)
Minutes of the Meeting held on 30th April 2015

Meeting Location: O'Callaghan St. Stephen's Green Hotel, St. Stephen's Green, Dublin 2

Meeting called to order at 10:09 am by meeting chair.

Members present:

Chairman
Association of Patent & Trademark Attorneys in Ireland
Department of Jobs, Enterprise, and Innovation
Enterprise Ireland
Internet Service Providers Association of Ireland (ISPAI)
Irish Computer Society (ICS)
Irish Internet Association (IIA)
.ie Accredited Registrar (Blacknight)
.ie Accredited Registrar (Hosting Ireland)
.ie Accredited Registrar (Irish Domains)
.ie Accredited Registrar (Register 365)
Law Society of Ireland
IEDR Representatives

Apologies - Members not present:

Small Firms Association (pre-arranged)

HEAnet (pre-arranged)

Department of Communications, Energy & Natural Resources (possibility of absence advised of prior to meeting)

1. Minutes –

The Chair requested that the Minutes draft be completed within 2 working days of any PAC meeting, and then issued to PAC members for review.

A ten day review period was agreed to, during which time all members will be asked to submit any relevant queries or feedback for further discussion.

The Minutes will then be published publicly after the ten day review period has been completed, and after all comments, queries and feedback have been taken into account.

It was agreed that the Minutes will remain un-attributed, except in cases where any PAC member specifically advises that they wish for their comments to be attributed in the published version of the Minutes.

2. Update from the PAC Development Group on the Potential Release Mechanisms for One and Two Letter .ie Domains:

The consensus achieved to date amongst members of the PAC Development Group for the release mechanisms for one and two letters domains was discussed. Documentation summarising the consensus achieved to date was provided to the PAC, and raised for discussion. It was agreed that launch should proceed under a phased registration process, with each phase running independently to the preceding one. The three phases shall include a Sunrise phase for trademark holders, a Landrush phase for all applicants (premium pricing will likely apply), and then proceeding to General Availability release for all applicants.

It was also agreed that an auction scenario will be utilised in order to resolve cases where multiple applicants wish to obtain a particular domain name under the Sunrise and Landrush phases. Auction costs will be underwritten by the IEDR in the first instance, and subsequently deducted from auction proceeds. Any remaining surplus will be donated to any worthy Internet causes (which are to be determined in due course by the IEDR Board). It was agreed that a well-established auction house would be used, and the IEDR advised that they were open to suggestions on this matter.

Trademarks to be accepted under the Sunrise period were also discussed, and it was agreed that Community Trademarks, Irish Trademarks and all International trademarks designating Ireland would be accepted.

It was further discussed that UK / International trademarks, which are held by companies registered within the island of Ireland, would also be accepted. APTMA and the Law Society confirmed that they would review the wording (fine print) related to the trademark information for Sunrise, particularly in relation to the registration status (pending, lapsed, registered etc.) of trademarks that will be accepted under this phase, and on the issue of verbal and highly stylised trademarks.

Another PAC member will also provide samples of the trademark terms used by other ccTLDs during Sunrise phases, for review.

There was agreement amongst the Development Group that applicants during Sunrise would not be expected to provide proof of "genuine" use, other than the trademark certificate / number for verification by IEDR staff.

In relation to a number of domains the IEDR intends to restrict from release on the grounds of consumer protection, consumer confusion, and potential future commercial use by the IEDR, further clarification was requested by the PAC, outlining the case for each of the relevant domains being restricted. The IEDR confirmed that this would be provided to the PAC.

Discussion continued around the topic of the 27 day application process, and the possibility for high value domains stalling during the application process due to technical hosting issues. It was advised that no changes would be made in this regard from the IEDR, as the limited time frame for the resolution of technical issues is an industry standard, which provides ample time for such issues to be resolved.

It was also agreed that two letter domains that reflect ccTLDs could be released, provided that certain restrictions are implemented relating to the use of sub-domains, and the re-sale of the right to use such domains. The exact terms and conditions of these restrictions will need to be drafted in due course, with the assistance of legal advice.

The Development Group then agreed to proceed with a Public Consultation, in accordance with the IEDR Policy Development Process, which is expected to open a 30 day period during which public feedback will be accepted for review by the Development Group. The feedback will be attributed, and it was agreed that the PAC Administrator will follow up on comments where further clarification is required.

It was also decided that promotion of this Public Consultation period would be necessary, and that the IEDR would issue a press release relating to the matter. PAC members also indicated a willingness to engage on social media platforms in order to publicise this further.

3. Update from the PAC Development Group on the Potential Release Mechanisms for Internationalised .ie Domains (acute accents / fadas on vowels)

The level of consensus achieved to date amongst members of the PAC Development Group for the release mechanisms to be used for the release of Internationalised domain names was discussed. Documentation summarising the consensus achieved thus far was provided to the PAC, however, it was felt by the Development Group that a number of issues remained, and that further time was required before consensus on a process could be found.

One particular issue related to the question of editing the current proposed release mechanism to include a Landrush phase, which could be used to allow existing .ie registrants the opportunity to register the Irish language version of their current .ie domain before general release.

It is expected that Public Consultation may also be conducted for this policy change in due course.

After further discussion, it was agreed that this policy change request would be carried forward to the next meeting for further updates.

4. Update from the PAC Working Group on the re-sale of the right to use .ie domain names

The Working Group and PAC agreed that consensus exists to alter the Registration Policies of the IEDR to permit the re-sale of the right to use a .ie domain, which is currently prohibited.

However, it was felt that consensus had not yet been achieved on whether inter alia, there should be pre-authentication by IEDR Registration Services of a buyer's right to use a .ie domain - *prior to* its purchase in the aftermarket.

The registry is in favour of pre-authentication, to ensure that a scenario does not arise whereby a buyer, which fails to ultimately meet the registration criteria, could take legal action or otherwise bring the registry into a retrospective dispute with the seller. This scenario would expose the registry to reputational damage and unnecessary legal costs.

An opposing view is "caveat emptor" - let the buyer beware of fulfilling the .ie registration criteria, after the right to use has been paid for in the aftermarket transaction. This scenario is regarded as the simplest and most consumer friendly route through which to operate an efficient, automated aftermarket.

As a result, the current Working Group has progressed to a Development Group, and will work to review how best to proceed with implementing this policy change.

It was decided that a Public Consultation will also be undertaken in due course for this policy change and that further updates will be provided at the next meeting.

5. Policy Change requests

The policy change requests that had been submitted to the PAC were then outlined:

a) To modify Section 3.8 of the IEDR Naming Policy to permit the registration of .ie domains that correspond to existing TLDs:

Clarification and discussion followed, as it was felt that the rule had become outdated due to the large release of gTLDs in recent years, the registration of which are not currently restricted under the IEDR Registration Policies, (the “original” eight restricted TLDs are .com, .net, .org, .int, .gov, .edu, .arpa, .mil).

In relation to ccTLDs, as per Section 2 above, the IEDR already agreed that two letter domains reflecting ccTLDs could be released, provided certain conditions and restrictions are in place, particularly around the use of sub-domains and re-sale. The IEDR also clarified that it has no objection to extending this restriction to the new gTLDs.

Further discussion continued around the topic of consumer protection / confusion (particularly in relation to the use of sub-domains), and the role of the registry in this regard.

It was agreed that the policy change should be recommended to the Board of IEDR for acceptance. No objections were raised and a Development Group was established to consider issues relating to its implementation.

The Development Group contains representatives from:

- Irish Domains
- IEDR
- Irish Internet Association
- Register 365
- Blacknight Solutions

b) To delete Section 3.6 of the IEDR Naming Policy to permit the registration of .ie domains that correspond to Geographic locations on the island of Ireland.

Discussion followed with clarifications on the policy, its implementation to date, and the proposed changes.

It was felt that discussion with the relevant Government Bodies was required, however, it was noted that Local Authorities / Government Bodies had already been provided sufficient opportunities in which to register domains reflecting Irish place names.

It was agreed to liaise further with the relevant Government Bodies, and on the basis of their feedback to progress with the policy change process in line with the .ie 10 step Policy Development Process.

However, it was suggested (with significant consensus) that a pre-determined time frame should be provided to relevant Local Authorities / Government Bodies to obtain any available domains required, should these bodies be in favour of deleting Section 3.6 from the Naming Policy.

Examples from other ccTLDs and gTLDs were provided in relation to restricting and releasing domains reflecting Geographic place names, and it was agreed that the PAC and relevant Government Bodies would need to work closely together on this matter.

It was further agreed that this policy change proposal would be tabled for further discussion at the next meeting, in order to obtain approval from / discuss the matter further with the relevant Government Bodies/ Local Authorities. However, a Development Group will work in tandem to review how best to proceed with this policy alteration, should consensus be obtained.

The Development Group will consist of representatives from:

- Irish Domains
- IEDR
- Irish Internet Association
- Register 365
- Blacknight Solutions

It was agreed that the Department of Communications, Energy & Natural Resources, along with the Department of Agriculture, would both be contacted by the PAC Administrator to discuss the matter further.

6. Next Steps:

- Set up a Mailing List / Forum for the Public Consultation on one and two letter domains
- Liaise with the relevant Government Bodies in relation to proposed policy change regarding the deletion of Section 3.6 of the Naming Policy
- Issue a press release for the Public Consultation period(s), in due course
- Registrars to submit a policy change requests in relation to the Personal Domain Names Registration / Naming Policies, along with the WHOIS changes discussed briefly at the inaugural meeting

7. Next Meeting:

Within two months – Expected to be first or second week of July 2015.