

Policy Advisory Committee (PAC)

Minutes of the Meeting held on July 7th 2015

Meeting Location: O'Callaghan Alexander Hotel, Fenian Street, Dublin 2

Meeting called to order at 10:35am by meeting Chair.

Members present:

Chairman
Association of Patent & Trademark Attorneys in Ireland
Department of Communications, Energy and Natural Resources
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)
Small Firms Association
HEAnet
IEDR Representatives

Apologies - Members not present:

James Kelly – Department of Jobs, Enterprise & Innovation (pre-arranged)

Paula Maguire – Enterprise Ireland (pre-arranged)

Joe Kane – Apologies for last minute cancellation passed to the Chairman.

1. Minutes

It was confirmed that the Minutes from the April 30th 2015 meeting were published online, within the agreed time frame, and that no further comment was received in relation to their content.

2. Membership Update

Due to staff changes within the Small Firms Association, the Association has advised of a change of contact representing their organisation on the PAC. Accordingly, the Chair welcomed the new member to the Committee.

3. Policy Change – to allow 1 & 2 Letter .ie domains

A recap of the approved policy change, and the proposed phased release mechanism, was briefly outlined.

The IEDR provided the Committee with the requested list, outlining the 14 two letter .ie domains to be retained by the Registry on the grounds of future commercial use / to restrict instances where the registration of such domains would lead to confusion amongst the Internet Community. It was advised that this was a final list, and no other domains would be retained by the Registry.

Discussion continued, and the rationale of the Registry for retaining each of the domains was queried, and reviewed. It was highlighted that other Registries have similarly retained domains from release, often on the grounds that they do not wish to have them released. There was consensus from the PAC that the IEDR shall restrict the following domains from registration:

ie.ie	ei.ie	ir.ie	us.ie	uk.ie	ni.ie	co.ie
eu.ie	ec.ie	ip.ie	ns.ie	me.ie	rr.ie	ds.ie

The matter of the Public Consultation on this policy change was raised, and it was confirmed that the process was still on going, but due to end on July 9th, 2015.

Feedback received from the Public Consultation was also discussed in detail, and consideration given to each of the comments submitted.

It was agreed that holding a registered business name number (RBN) from the Company Registration Office would not be considered sufficient claim to participate in the Sunrise registration process for Right's holders. This is due to the nature of registered business names, which are in effect a trading name only, not holding the same legal level of enforcement, entitlement or protection as that assigned to trademarks and other rights.

Clarification was provided on the matter of trademark registration cut-off date, specifically the cut-off date for a trademark to be registered by in order to be considered eligible for participation in Sunrise. It was confirmed that all trademarks must have been registered prior to July 30th 2014, as previously outlined in the release mechanism documentation, as this was the point at which the policy change request was first raised (in the initial documentation issued to the newly formed PAC) that issued at this time.

Furthermore, it was decided, that in order to protect the objectivity and reputation of the PAC, and the integrity of the proposed release process and mechanism, that no exceptions would be made to this trademark registration date criteria.

Clarification on the eligibility of trademarks which would be accepted during Sunrise followed, and it was agreed that applicants must hold a trademark which corresponds **exactly** to the domain they wish to obtain.

In cases where a dispute arises over whether a trademark corresponds exactly to the domain being sought e.g. due to stylisation, or, where a mark has been conceptually, visually or orally changed by the presence of any other factor, e.g. the presence of a diacritic, such applications may be referred to the IP specialists for review.

It was confirmed that a summary report on the findings of the Public Consultation process would be drawn up after its completion, and made available publicly, outlining the categories of responses received, and where required, the final decisions of the PAC and Development Group.

Additionally, it was decided that on condition of no serious objections / queries being raised by the end of Public Consultation period, that the PAC would be happy for the policy change to be recommended to the Board of the IEDR for implementation.

There was unanimous agreement from the PAC and Development Group to formally recommend the policy change, and the release mechanism, to the Board of the IEDR, subject to the absence of any serious issues being raised within the last two days of the Public Consultation process, which is due to end on July 9th 2015.

4. Policy change – to allow IDNs (fadas on the vowels) in .ie domain names

A recap of the approved policy change, and the proposed phased release mechanism, was briefly outlined. It was then confirmed that a three phase release mechanism had been proposed, e.g. Sunrise (for trademark holders), Landrush (for existing .ie registrants) and General Availability (for all other interested applicants).

The IDN Development Group further advised that no unique technical complexities exist with the implementation of .ie IDNs, that aren't already recognised from the use of other IDNs across the globe, e.g. browser or email client issues. Additionally, it was considered that only the "GLE" Verisign language, permitting the registration of domains with fadas (acute accents), would be implemented.

As requested by the Development Group, the IEDR agreed to introduce a conversion tool to its website, which would be made available to registrants and registrars, allowing them to convert domains between the Punycode and Unicode formats.

The IEDR agreed that, similar to the proposed release of one and two letter .ie domains, domains that correspond to country codes on the ISO 3166-1 alpha 2 country codes would not be restricted from registration.

The Development Group further advised that they wish to forward the policy change and its proposed release mechanism for a Public Consultation, so that all interested parties can submit any feedback or comments they may have on these proposed changes.

The Development Group asked that the PAC Secretariat assist in the creation of an informational document on the policy change and its proposed release, which would be made available for the Public Consultation. It was agreed that this would be arranged, and that the Public Consultation process be launched following the document's completion, to run for 30 days, and would be publicised by way of national press release.

5. Policy change – to remove restrictions on geographical .ie domain names

A short recap on the policy change to permit the registration of .ie domains that correspond to Geographical locations was provided, and discussions on the proposed methods of implementation followed.

There was strong consensus amongst PAC members to proceed with this policy change, particularly due to many businesses electing to include geographic place names in their branding.

On consideration of the difficulties ensuring even implementation of this policy at present, the duration the policy has already been in operation for, and the matter of applicants with valid claims existing external to the Local Authorities, it was decided that the policy change be approved.

It was further acknowledged, and agreed, that Local Authorities should be given a reasonable time frame during which to register any remaining domains that reflect Geographical place names.

There was consensus that a period of 3 months (90 days) was reasonable, during which time all Local Authorities would have a final opportunity to register any available .ie domains that reflect Geographical place names.

Further debate centred on whether this may trigger a “land-grab” amongst Local Authorities for domains that reflect Geographic place names, however, it was decided that this was unlikely, partly due to the constraints on Department / Local Authority financial resources. As such, it was considered most likely that Local Authorities would only register domains they had a particular need for themselves, or a need to protect.

After further consideration, it was requested that the IEDR draw up a formal communication on the matter, which would be provided to the Department of Communications, for issue to other relevant Departments / Government Bodies, e.g. Department of the Environment, in order to ensure that all Local Authorities are advised of this impending policy change.

6. Policy change – to remove restrictions on .ie domain names corresponding to TLDs.

A short recap on the policy change to permit the registration of .ie domains that correspond to existing TLDs was outlined, and discussions followed.

Whilst the IEDR and PAC members were in favour of approving the policy change, as it has become outdated since the launch of hundreds of new gTLDs, it was agreed to carry over the topic for discussion at the next meeting, after the release of relevant European Commission documentation on the restriction of geographical extensions. The PAC was advised that this will be released later in July 2015.

7. Policy change – to allow Secondary market / aftermarket in .ie domains

A short recap on the approved policy change to permit the re-sale of the right to use .ie domains was outlined, and discussions followed.

Whilst there was full consensus amongst the PAC to approve this policy change, it was agreed that further research on the proposed method of operation for the aftermarket is required, as both the IEDR and PAC are eager for the re-sale process to run independently, without IEDR intervention. However, it was felt strongly by the IEDR that any prospective aftermarket mechanisms must protect the IEDR from legal challenge and reputational damage and must provide an appropriate level of consumer protection. As such, a proposed principle of “caveat emptor” was not considered to be acceptable by the IEDR.

Alternative mechanisms were outlined, and it was considered that the IEDR Contractual Terms and Conditions could be modified to charge all registrants selling the right to use a .ie domain with the responsibility of advising potential buyers that they are obliged to satisfy the IEDR Registration Policies, and if they are unable to do so, they will not be granted the right to use the .ie domain in question, regardless of any amount paid in private sale or auction.

Furthermore, discussions also referenced the potential requirement for sellers to provide indemnity to the IEDR, confirming that they have advised the potential buyer(s) of their obligation to satisfy the IEDR registration criteria.

The benefits of utilising the services of an Escrow Agent were also considered.

Additionally, it was confirmed that many other Registries remain separate to the aftermarket process, and appear to operate with limited exposure to legal challenge or reputational damage.

The IEDR further stated that it does not wish to be obstructionist to the policy change, but in order for the IEDR Board to sign off on it, a robust market mechanism and process must be found which will insulate the Registry from any possible legal or reputational issues, and which will also have consideration for consumer protection issues.

In view of this, it was agreed that further investigation will be done by the IEDR through discussions with other Registries on their aftermarket processes, and the methods used to limit potential negative effects. The matter will be raised for further discussion at the next meeting after additional research has been completed.

8. New Policy change request:

To modify Section 3.9 of the IEDR Naming Policy relating to the registration of .ie domains, which include the term “University”

The policy proposal template was submitted by the IEDR Registrations Department, and in response to queries from prospective applicants.

The current policy limits the registration of domains which include the term “university” to Universities only. Other parties wishing to obtain a .ie domain containing this term, currently have their applications rejected, regardless of the nature of their claim to the domain.

The policy was originally implemented in consideration of the provision of The Universities Act 1997.

It is proposed that the rule be modified so that applicants, whose claim is not based on providing educational services of any kind, but rather relates to the domain name representing, for example, a brand, product, business or trademark name, can apply for their desired domain name and include the word “university” within that name.

All applicants providing educational services, wishing to obtain a .ie domain which contains the term “university”, would still be required to either:

- A) Be a recognised University according to the Department of Education, or
- B) Obtain special permission from the Department advising of their eligibility to register a domain which includes this term.

Discussion continued, and the requirement for the entire policy itself was queried. However, as this was not the matter proposed, it was agreed that any parties wishing to discuss this further, would need to submit a supplementary policy change template through the normal channels.

On review of the proposed modification, it was agreed that there was strong consensus for the policy change. However, it was further decided that the matter should be discussed with relevant bodies, such as the Higher Education Authority, and the Department of Education, and that this would be arranged by the IEDR through the Department of Communications.

9. Other Business

- In relation to the matter of press releases, e.g. those relating to the Public Consultation etc., it was requested that PAC members be notified of such announcements, and their content, under an embargo agreement, 24 hours before being issued.

This would allow all PAC members to prepare their staff / groups or members for any queries that may arise after the release of such publicity campaigns. There was no objection to this, and it was agreed that this process will be adhered to for all future releases.

- A request for a full PDF version of the IEDR Registration and Naming Policies was requested by the PAC members. The IEDR confirmed that it will arrange this for the next meeting.

10. Next Steps:

- Creation of supporting materials for the launch of the Public Consultation on IDNs.
- Report on the categories of feedback received to the 2 Letter Public Consultation must be written up, where required, with the final decisions of the PAC included.

- Issue a press release for the IDN Public Consultation process, in due course.
- Setup mailing lists for the Development Groups on the policy changes to permit the registration of domains that correspond to existing TLDs, and Geographical locations.
- The PAC Secretariat will liaise with the Department of Communications on formal proposals on the implementation of policy changes relating to the Geographic and University rules.
- Registrars will submit policy change requests in relation to the Personal Domain Names Registration / Naming Policies, and the WHOIS changes discussed briefly at the inaugural meeting
- IEDR will liaise with CENTR members to compare the practices, terms and conditions relating to the implementation and management of aftermarket. (Relates to discussion point, 7).

11. Next Meeting:

10:30am on September 23rd, 2015. Venue will be confirmed in the coming weeks.