Policy Advisory Committee (PAC)
Minutes of the Meeting held on September 23rd 2015

Meeting Location: Yeat's Suite, O'Callaghan Mont Clare Hotel, Dublin 2

Meeting called to order at approximately 10:45am by meeting Chair.

Members present:

Chair	Alfie Shaw
Department of Communications, Energy & Natural Resources	**Richard Browne & Rory Conaty**
Department of Jobs, Enterprise & Innovation	**James Kelly**
HEAnet	**Brian Nisbet**
.ie Accredited Registrar	**Jonathan Bate (Hosting Ireland)**
.ie Accredited Registrar	**Kelly Salter (Register 365)**
.ie Accredited Registrar	**Michele Neylon (Blacknight Solutions)**
.ie Accredited Registrar	**Conor Moran (Irish Domains)**
Small Firms Association	**Linda Barry**
IEDR	**David Curtin**
IEDR	**Jimmy Joyce**
PAC Secretariat	**Sarah Keegan**

1. Apologies - Members not present:

Judy McCullough – APTMA (pre-arranged)
Paula Maguire – Enterprise Ireland
Joe Kane – Law Society
Joan Mulvihill – IIA
Niall Rooney – ISPAI
Kevin Thomas – ICS

2. Minutes

It was confirmed that the Minutes from the July 7th 2015 meeting were published online, and that no further comment was received in relation to their content. It was agreed that future editions of the Minutes would include the names of those attending.

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

The progression of this policy change since the last PAC meeting of 7th July was outlined:-

- Noted that the 30 day consultation process finished on 8th July, and did not raise any additional matters.

- Noted that the IEDR board, at its meeting on July 17th, had accepted the recommendation of the PAC in relation to the release mechanism (Sunrise, Landrush, and General Availability).
- Clarified that one number domain names (e.g 3.ie) would also be included in the release of these shortened domains. It was agreed that it had been an oversight to not specify this in documentation that had previously released, but that it was always the intention of the PAC to release one number domains, alongside one and two letter domains. (NB: The registration of two number domains is already permitted).
- Noted that a "release discussion document" had been prepared by the PAC Secretariat and issued to the community for consideration and comment. (Audience was primarily Registrars and APTMA as they would-be "on the front line" during implementation).
- Noted that the latest iteration was the document "One and Two Letter ie Domain Names - Release Discussion Document - to R..-3" and "Visual of 2 letter v3 - to Registrars 16 Sept 2015.pdf-4". Attached as appendix A and appendix B respectively.

Discussion followed on the nature and quality of the interfaces to be provided to the community. The IEDR confirmed that the normal systems used for processing .ie domain applications would not be used for the release of these shortened domains, and that a number of temporary application systems had been designed.

The IEDR noted that these temporary application systems were now ready for use and were designed with a view to meeting the needs of the entire Registrar Community. Registrar representatives acknowledged in particular, the portal to view the status of applications in progress.

There was general consensus on the above, and it was agreed that the edits would be raised for consideration amongst the wider Registrar & APTMA communities, so that all feedback can be taken into account. The PAC Secretariat will liaise with the .ie Accredited Registrars on the PAC in relation to this.

Once all feedback has been provided and reviewed, the minimum notice period will be respected and a release timetable established.

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

The policy change, and previous PAC discussions were briefly outlined, and clarification on the proposed release mechanisms was provided.

- Since the last PAC meeting, the IDN Development Group had revisited and refined the scope of the "landrush phase". Following very positive online engagement, the consensus was that:-
    1. Landrush will be a 30 day registration phase for existing .ie registrants of domains that reflect words in the Irish language (which were originally registered without the inclusion of the fada, as it was not permitted) e.g. registrant of fogra.ie, can apply for fógra.ie during Landrush.
    2. For the avoidance of doubt, it was confirmed that the landrush phase would not permit applications for the domains which are a translation of English words into Irish

words, with the fada. e.g. the existing domain holder of notice.ie will not be permitted to apply for fógra.ie

3. As each application will be unique, there is no need for an auction process. Registration will be on a first come first served basis (FCFS).

Otherwise, it was confirmed that IDNs would launch through three phases:

- Sunrise: 30 day initial registration phase for Trademark Holders only,
- Landrush - as above.
- General Availability: open to all, on a FCFS basis

As per previous agreement, it was decided that the policy change would go to Public Consultation, in line with the IEDR's Policy Development Process.

Furthermore, it was confirmed that the PAC Secretariat would ensure that updated documentation outlining the release mechanisms to be used for the launch of these domains would be arranged for use during the Public Consultation.

Once prepared, these will be sent to the IDN Development Group, and wider PAC for review.

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

A brief summary on the progression of this policy change was provided.

It was then confirmed that, whilst general consensus for the policy change exists, there was strong disagreement on the methods of implementation previously discussed.

As agreed at the last PAC meeting, the IEDR confirmed that it had contacted a number of other ccTLDs which currently permit the operation of aftermarkets. This was done in order to compare the alternative measures implemented by each Registry to protect themselves from legal disputes (particularly from parties that may purchase a domain, but later find that they are ineligible to hold the registration as they do not satisfy the registration criteria).

The outcome of this step was summarised. While ccTLD practices vary from country to country, some common practices are evident:--

- Registry does not get involved in the mechanics or procedures of the online auctions of domain names. The Registry is effectively a bystander in the auction process.
- The Registry ensures that the buyer complies with its registration and naming policies. (There were differences in how this was implemented, but most practices dictated that it took place before the sale transaction was completed.
- The legal agreements that Registries have with their Registrars are considered adequate and sufficient by most, to deal with compliance by buyers with the Registry policies.

On the basis of the responses received by the IEDR, it was confirmed that the .ie Registry ought to be a bystander to the sale process, as this was standard procedure amongst other ccTLDs.

However, it was further agreed by the PAC that all new holders must adhere to the IEDR's Registration and Naming Policies, along with all applicable terms and conditions.

The registry confirmed that it could put in place a system of pre-authentication, whereby potential buyers would voluntarily, and optionally, submit supporting information to confirm their eligibility to hold the domain they wish to purchase. This would guarantee the potential buyer that there would be no registration compliance complications once the sale price etc. had been agreed with the seller.

This pre-authentication method could be an optional feature, as the IEDR would also implement a caveat emptor notice on iedr.ie, advising all potential buyers that they are required to satisfy the IEDR Registration and Naming Policies, in order to be eligible to take over the domain registration. The notice on iedr.ie would also recommend, and provide information on how to pre-authenticate their claim / registration eligibility, should they wish to do so.

In addition to this, it was discussed that a number of other Registries have implemented clauses to their Registrar Agreements and Terms and Conditions, placing responsibility on the Registrar / Registrant to ensure potential buyers are informed of the requirement to satisfy the registration criteria.

There was agreement that such mechanisms could potentially be appropriate for use within the IE namespace, however, the IEDR advised that it would first need to seek legal advice to clarify this. Additionally, the recommendations of the PAC, together with the legal advice, will be presented to the IEDR's Board of Directors, with expected feedback to be provided in advance of the next PAC meeting.

Further updates will be provided at the next meeting.

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

A brief overview of the policy change and PAC discussions on this matter to date were outlined.

Furthermore, it was confirmed that full consensus for this policy change exists amongst the PAC.

As previously agreed, the Department of Communications, Energy & Natural Resources contacted the Department of the Environment, and provided an update on the feedback received.

It was confirmed that the Department of the Environment had no objection to the policy change, but felt that the opinions of a number of other stakeholders needed to be accounted for when establishing a date of implementation for the policy change.

After further discussion, it was agreed that the Department of Communications will further discuss the policy change with the Place Names Commission within the Department of Arts, Heritage & the Gaeltacht, along with the County and City Management Association (CCMA), to inform them of the policy change, and to discuss a proposed date on which it could be implemented.

As previously agreed, a 90 day notice period will be provided to the Local Authorities / Government Bodies, during which time any remaining (available) .ie domains reflecting Irish place names can be registered before the policy change is implemented.

Accordingly, the 90 day notice period will begin once the CCMA and Place Names Commission have been duly notified of the change, and have agreed a date on which the policy change will be implemented, so as to ensure all stakeholders are suitably prepared.

Additionally, during discussions, it was agreed that the policy change request relating to the introduction of Internationalised Domain Names (IDNs) to the IE namespace would also affect this policy change, as Geographic place names in the Irish language (which include a fada) would need to be restricted for registration to Government Bodies and Local Authorities only, until the Geographic policy change has been implemented.

It was queried whether this policy change should also be raised with the Department of Agriculture, however, the Department of Communications confirmed that this had already been done.

Further updates will be provided by the Department of Communications at the next meeting.

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

An overview of the policy change was provided, along with a summary of previous discussions.

It was agreed that no objection to this policy change exists, and that the Development Group would now work to decide how best to implement the policy change.

It was further noted that two letter domains corresponding to country codes, e.g. fr, es, it, de etc., will be made available for registration during the release of one and two letter domains later this year.

Further updates will be provided at the next meeting.

8. Policy change – to alter the IEDR Naming Policy relating to the registration of .ie domains, which include the term "University"

This policy change and the previous discussions of the PAC were summarised.

As agreed in July's Committee meeting, the Department of Communications raised this matter for discussion and consideration with the Department of Education, in addition to the Company Registrations Office, as they also operate a restriction on the use of the term "university" for Company Name registrations. It was noted the CRO deferred to the opinion of the Department of Education.

The PAC was advised that the Department of Education was strongly opposed to the policy change, and did not believe that any substantial argument existed in favour of it.

It was noted that flexibility on certain aspects of the policy change exists, particularly with regard to European Trademark Holder's rights, however, this would need to be raised separately and requires further consideration / research, as the current policy highlights a conflict between the law and intellectual property rights.

It was noted that the objection from the Department of Education to the policy change was an extremely important consideration. Without consensus from the Department of Education, the view was expressed that the policy change request, as submitted, would not have sufficient consensus to proceed.

Furthermore, written confirmation from the Department of Education will be provided to the PAC in due course, outlining their position.

9. Any Other Business

a. Registry-level Domain Name locking service

The IEDR submitted a request to the PAC to "fast-track" the implementation of a new service the Registry wishes to provide, which will protect .ie domains from malicious / unwanted modification.

The Registry-lock will be a voluntary, opt-in service, which the Registrar Community will be able to offer to .ie registrants. It was noted that the service is in line with the offerings of other ccTLDs.

The implementation of this service will impact a number of the IEDR's policies:
- WHOIS (the lookup service will display whether a domain is locked or not)

- Transfers (transfer from one registrar to another will not be possible while lock is active)
- Non-renewal (domains cannot enter IEDR's Non-renewal process whilst lock is active)

Despite the policy alterations required to implement this service, there was full consensus for the policy change to proceed without the need to adhere to the full 10 step Policy Development Process.

The Registrars present asked that they be given appropriate notice and updates regarding the release of this service, which was agreed to by the IEDR.

Additionally, a number of operational queries, particularly around the renewal dates of locked domains (compared to the underlying renewal date of registration fees) will need to be addressed prior to implementation.

Further updates to be provided in due course.

b. Personal Domain Names - extension to allow derivatives and nicknames

The current policy for the registration of domains on the grounds that they reflect a personal name was outlined, and it was noted that the policy is quite restrictive, as only a small number of acceptable formats can be applied for at present.

Additionally, in order to gain the right to use the domain, all applicants must provide proof of Irish ID, or Irish address showing the exact name they wish to apply for. As such, Thomas Smith, who may be known as Tom Smith, could only apply for the domain thomassmith.ie, if this is the name reflected in his ID / proof of address.

In response to demand from registrants affected by this, it has been proposed to relax the personal name policy to allow derivatives of personal names to be registered.

Databases of name derivatives exist online, and it was agreed that the name being applied for must be one that is either well recognised, commonly known, listed on the online database, or where the applicant can provide evidence that they are known by that name.

It was further confirmed that nicknames would not be included in this policy change, and that the "Policy Change Template" would be forwarded to the PAC for further discussion at the next meeting.

c. Discussion on Policy / Process / Procedure / Practices – in the context of a proposed change by IEDR to the acceptable format for submission of supporting claim-to-the-name information

Discussion centred on correspondence which was sent to the Registrar Community by the IEDR's Registrations Department, proposing to allow the submission of claim information in the remarks field of an application ticket, or in the body of an email (processes which have not previously been permitted). Heretofore, the information was required to be submitted on the company's official stationery/headed notepaper / documentation attached to an email.

On consideration of the scale of the change, which was thought to be relatively minor, and that it would simplify the registration process without altering the requirements for what constituted a valid claim, while being in the best interest of all stakeholders (as it would speed up and simplify the registration process), the matter was not presented to the PAC, and was communicated directly to Registrars, advising of implementation within the coming weeks.

The PAC Registrars felt strongly that all matters which impact the registration of a .ie domain should be brought before the PAC, and under no circumstances should the PAC be circumnavigated, regardless of the change.

Discussion continued on whether this particular change constituted policy or an internal process/practice, and it was agreed that the current presentation of the IEDR policies on the iedr.ie website requires alteration and clarification, as it does not specify which portions of the information provided is policy, process, procedure or internal practice etc.

Note :- the text on the IEDR website in relation to registration and naming policies is presented as a blended mix of policy, how the policy is to be interpreted, and gives guidelines on which documents Registrars could submit in order to meet the registration requirements. (This user-friendly version was introduced years ago, as part of the IEDR's "Plain English" campaign).

The PAC agreed that there is now a requirement for clarity on what constitutes Policy, Process, Procedure and Practices.

In this regard, IEDR agreed to draft a Discussion Document on the issue.

For the record, there was full agreement that the proposed change to allow claim submission through the remarks field and by email was a welcome one, which benefits Registrants, Registrars and the Registry by ensuring the registration process is easier and more efficient.

However, it was agreed that until there was full clarification on the division of policy, process and internal practice, all matters that impact the registration of .ie domains would be, at a minimum, discussed with the PAC via the mailing list.

10. Next Steps:

- Follow up with PAC non-attendees to confirm that there are no objections to the edits of the release mechanisms for one and two letter .ie domains.

- Gather feedback from the Registrar Group on the proposed one and two letter domain release, and work to establish an agreed launch timetable.

- Creation of supporting materials for the launch of the Public Consultation on IDNs.

- Launch IDN Public Consultation process, in due course.

- IEDR to seek legal advice on proposed operational mechanisms for aftermarket.

- DCENR to discuss Geographic policy change with CCMA and Place Names Commission.

- Development Group for TLD policy (Item 7 above) to discuss progression of this change.

11. Next Meeting:

10:30am on December 16th, 2015. Venue will be confirmed in the coming weeks.