Policy Advisory Committee (PAC)
Minutes of the Meeting held on 3 February 2015
Meeting Location: O'Callaghan Alexander Hotel in Fenian Street, Dublin 2

Meeting called to order at 10:15 am by meeting chair.

Members present:

Chairman
Association of Patent and Trade Mark Attorneys in Ireland (APTMA)
Department of Jobs, Enterprise and Innovation
Enterprise Ireland
HEAnet
Law Society of Ireland
Irish Service Providers Association of Ireland (ISPAI)
Irish Computer Society (ICS)
Irish Internet Association (IIA)
Blacknight Solutions
Hosting Ireland
Register 365
Irish Domains
IEDR Representatives

Apologies - Members not present:
Irish Computer Society (pre-arranged): Alternate attended
Small Firms Association (pre-arranged): No Alternate
IBEC TiF (pre-arranged): No Alternate
DCENR (pre-arranged): No Alternate

1. **Welcome and Introductions (tour de table)**
Chairman welcomed members.
Members introduced themselves and their role/background.

(PAC was asked if an IEDR representative could assist with the secretarial duties in the absence of the PAC administrator - this was agreed)

2. **.ie and IEDR explained:**
The distinction between .ie and the company, IEDR, was explained. The company's mission, vision and values together with its strategic priorities were highlighted, by reference to the 2013 annual

report & review. It was clarified that 99% of new registrations came through the Registrar channel and reflecting the historical evolution, over 3% of the current database is represented by Direct customers. A short Q&A followed, with clarifications.

3. PAC
Terms of Reference of PAC were outlined, together with an outline of the powers of the PAC, followed discussion of the expected modus operandi.
It was asked if this was the final composition of the PAC membership. The PAC Chairman confirmed that it would stay the same for the foreseeable future unless it was agreed amongst the PAC members that another eligible organisation should be added.

It was then outlined that although The Director of Consumer Affairs and the Data Protection Commissioner had declined to become PAC members, they both confirmed their availability to advise the Committee, or where appropriate, to make their staff available for special purposes, such as limited working groups. It was also noted that DCENR and IBEC TiF would be attending PAC meetings in due course.

It was also asked how the various policy matters raised would be prioritized (ie additional policy issues as they are submitted to pdp). The PAC Chairman stated that it would be up to the group to decide, but they would deal with the three policy issues that were on the table.

The merit of deciding on policy changes first, and then addressing implemention & technical complexities etc. was commented on. It was then recommended not to propose too many things at once, or nothing would get done.

It was noted that multiple issues could be dealt with simultaneously as the various working groups would do the "heavy lifting" - so that various items can be moved along between meetings. This could be facilitated by having touch points with the PAC. Members may also wish to engage with their 'Mother Ship' through their normal communication channels during this timeframe. The IEDR committed to set up the various mailing lists and also provide a section on the Registrar Discussion Forum (RDF) on the IEDR's website to allow Registrars to engage with the four PAC members.

Q & A followed.

4. Policy Development Process for the .ie namespace
The 10 step PDP process was outlined from the document circulated (which is also on the IEDR website). The difference and distinction between policy, process and procedure was then discussed.

Clarification was requested on the meaning of "consensus" in the context of the PDP. The PAC Chairman stated that Strong consensus would provide a way forward. The gNSO model (Section 3.6 http://gnso.icann.org/en/council/annex-1-gnso-wg-guidelines-13nov14-en.pdf) was then raised for discussion, along with the suggestion that a definition of consensus could be "lack of sustained reasonable objection = "rough consensus" akin to the RIPE model. It was then suggested that this should be one of the first items for discussion on the mailing list.

The question was raised of whether the consensus within the working group(s) was the same as the consensus of the PAC. It was then clarified that Step 7 "Consensus ?" of the 10-step PDP called for

consensus within the Working Group and Step 8 "PAC Accepts the Proposal" requires separate consensus within the PAC. The general view was that this was still workable as the PAC would in most situations be likely to confirm the opinion of the Working group.

It was not envisioned that there would be a permanent working group within the PAC. It was then clarified that each working group ought to have a finite life – the group would address specific issues and thereafter be disbanded, with appreciation and thanks to its members for services rendered.

5. Policy Change requests
The various policy change requests that had been submitted to the PAC were then outlined (ie. 2 letter domains, IDN and Secondary Market).

a. To allow 2 Letter Domain Names:
Clarification and discussion followed. It was unanimously agreed that the policy change should be recommended to the Board of IEDR for acceptance. No objections were raised.

It was requested that the inclusion of 1 letter domain names be added to this policy request. As there were no objections from the PAC, it was agreed to update the policy change template to include 1 letter and resubmit.

Clarification and discussion followed in relation to the options for implementation:-
It was outlined what a "sunrise" period was, and how it operated in the UK when Nominet relaxed their policy. DENIC's process for releasing 2 letter domains in Germany was clarified.

Furthermore, it was noted that there needs to be a cut-off date for trademarks (to prevent gaming of the system). Following discussion, it was agreed that trademarks pending / contested should not qualify during the sunrise period.

It was also considered that an auction should be held in the event of string contention (i.e where more than one person wants the 2 letter domain). The need to consider the affordability for SMEs with limited resources to bid was also cited.

The options of "first past the post" and "Lottery" were not regarded as favourable.

After some discussion, it was agreed that following Best Practice/Common Practice for TLDs was an important consideration for .ie.

It was noted that ul.ie was already registered and that the technical issues around implementation ought to be trivial.

The next step was to set up the development group to consider the alternatives and make a recommendation to the PAC. A show of hands was sought to be included in this development group:

Blacknight Solutions
Register 365
APTMA
Department of Jobs, Enterprise & Innovation
Irish Internet Association
Irish Domains

It was also agreed that one and two letter domain names be actioned first, as it was noted that this may have an impact on IDNs.

c. IDNs:

Clarification and discussion followed.

In addition to Fadas on the vowels, it was requested that the IDN policy change should be further extended to include other European scripts (eg Italian, Spanish, and Greek etc.). Considerable discussion followed in relation to the potential technical complexities and the competing contentions – at country level. The ability of smaller service providers and registrars to provide all European scripts was considered at length.

There was some speculation and discussion about the potential consumer demand for the IDN service.

It was commented that the PAC could address this in multiple stages, but suggested that we start with the introduction of the Fada – to cater for the local Internet community first.

It was unanimously agreed that the policy change should be recommended to the Board of IEDR for acceptance. No objections were raised.

Clarification and discussion followed in relation to the options for implementation.
It was agreed that the change request for IDN should be addressed by a technical development group. A show of hands was sought to be included in this development group:

Blacknight Solutions
Register 365
ISPAI
Irish Domains

* Blacknight stated that they would prefer a member of their technical team to address the technical aspect of this, rather than their nominated PAC member. This was agreed.

b. "Resale" of .ie Domain Names (ie secondary market):

The policy change request that had been submitted to the PAC in relation to permitting a Secondary Market (aftermarket) in .ie domains names was then outlined. It was also clarified that the holder would be selling a "right to use" the .ie domain name – she would not be selling a Property Right, in legal terms.

Clarification and discussion followed. It was noted that .ie domains were changing hands currently, via transactions such as leasing a domain, or a gentlemen's agreement to use the name for a period of time. The Registry was not a party to these type of transactions, so 'caveat emptor' operates currently.

There were various discussions around how an official aftermarket might operate. It was suggested that the IEDR should lift the restriction on resale from its policy and that the IEDR should then step back to let the market decide on how a sale transaction should take place.

However, the IEDR stated that the integrity of the registration and naming policy and the integrity of the .ie database must be maintained. It was important that the person "buying the right to use domain name" from an existing registrant must also prove that they have a claim to the domain name. (Preferably, in a pre-authentication process).

Furthermore, it was stated that if a transfer of the right to use took place and the "buyer" came directly to the IEDR to update their details, this would be denied if the "buyer" did not have a claim to the domain name they purchased. In the interest of consumer protection and to protect the reputation of the .ie namespace, it was also further clarified that there must be predictability, transparency and legal certainty around the purchase. Caveat Emptor would not an acceptable principle.

The IEDR stated that it could only agree to step away from pre or post-authentication during the transaction process if the transfer of ownership was within the IEDR registration and naming policies. If this was not the case, IEDR could not support the policy change.

As there is further consideration required to this policy change, it was decided under Step 2 of the 10-step PDP, that a PAC working group be established to evaluate and form a consensus on the policy change request in detail.

A show of hands was sought to be included in this working group:

Blacknight Solutions
Register 365
Irish Internet Association
Irish Domains
Irish Computer Society
Hosting Ireland
Law Society of Ireland

Other Policy Discussions: (ie open Forum):
Relaxation of Personal Domain Names (PDN):
There was some discussion regarding the relaxation of PDNs, to include nicknames or short names. As no formal policy change request has been submitted, the Chairman suggested that a formal request should be submitted to the PAC. The four Registrars (Blacknight, Register365, Irish Domains & Hosting Ireland) have agreed to work together to submit the policy change request.

Dispute Resolution Policy:

It was stated that:

- the current ie DRP operated by WIPO policy was too expensive and that IEDR should look at a cheaper alternative (eg IEDRP).
- the burden of proof rested unreasonably with the Complainant, and perhaps the UDRP should be adopted instead

As no formal policy change request has been submitted, the Chairman suggested that a formal request should be submitted to the PAC. This was agreed to.

Who-Is Display:

It was also suggested that the Registrar details be displayed on the Whois and that "WIPO Status" ought to be excluded from this facility.

As no formal policy change request has been submitted, the Chairman suggested that a formal request should be submitted to the PAC. This was agreed to.

7. Conclusions

- Policy: 2 letter and 1 letter domain names:
  Vote: All in favour of policy change, no objections
  Pending: Template to be updated by IEDR to include 1 letter domain names
  Development Group: (Blacknight, Register 365, APTMA, Department of Jobs, Enterprise & Innovation, IIA, Irish Domains) and IEDR member(s)

- Policy: IDNs (Internationalised Domain Names):
  Vote: All in favour of policy change, no objections
  Pending: Blacknight's PAC member proposed to extend to broaden and include other European Scripts (Italian, Spanish etc.). It was concluded that the first release would include the fadas on the vowels only.
  Development Group: (Blacknight, Register 365, ISPAI, and Irish Domains) and IEDR member(s)

- Policy: "Resale" of domains in a secondary market / aftermarket
  Vote: All in favour of policy change, no objections in principle. Red line issue for IEDR is pre or post authentication of the buyers
  Pending: Policy differences IEDR, pre/post legal risk
  Development Group: (Blacknight, Register 365, IIA, ICS, Hosting Ireland, Law Society of Ireland and Irish Domains) and IEDR member(s)

- Other Policy: Relaxation of Personal Domain Names (PDN) policy to allow nicknames/name abbreviations
  Pending: Four Registrars are to submit a policy change proposal to the PAC.

- Other Policy: WIPO Disputes Policy
  Discussion: A simple, cheaper dispute resolution policy should be considered.

Alternatively, the IEDRP (with WIPO as independent arbiter) should be revised to make it closer to the UDRP.

- Other Policy: Whois Policy on information displayed
  Discussion: Registrar Name should be displayed on the WHOIS.
  Pending: Registrars are to submit a policy change proposal to the PAC.

8. Next Steps:

- Set up a Mailing List for the two development working groups (on 1/2 letter and IDNs)
- Set up a Mailing List for the policy working group (on secondary / aftermarket)
- Set up a general PAC Mailing List for the PAC members
- Confirm that all PAC members are on the open pdp@iedr.ie Mailing List
- IEDR to update the 2 letter domain policy to include 1 letter
- Registrars to submit a policy change request in relation to PDNs

9. Next Meeting:

Within two months – possibly 1st week in April 2015. Potential dates to be circulated for agreement.