IE Domain Registry Limited

Policy Advisory Committee

Minutes from the July 5th 2016 Meeting

Contents

Minutes of the Meeting held on July 5th 2016

Meeting Location: Ascot Suite, O'Callaghan Alexander Hotel, Dublin 2

Meeting Time: Called to order at approximately 10:40am by PAC Chair.

Members present:

Chair	**Alfie Shaw**
Department of Jobs, Enterprise & Innovation	**James Kelly**
HEAnet	**Aidan Carty**
.ie Accredited Registrar	**Jonathan Bate (Hosting Ireland)**
.ie Accredited Registrar	**Michele Neylon (Blacknight Solutions)**
Small Firms Association	**Linda Barry**
IE Domain Registry (IEDR)	**Jimmy Joyce**

IEDR Representatives:

David Curtin
Oonagh McCutcheon

PAC Secretariat:

Sarah Keegan

1. Apologies - Members not present:

- Judy McCullough – APTMA
- Richard Browne & Brendan Whelan - Department of Communications, Energy & Natural Resources
- Paula Maguire – Enterprise Ireland (pre-arranged)
- Conor Moran - .ie Accredited Registrar Irish Domain (pre-arranged)
- Kelly Salter - .ie Accredited Registrar Register 365 (pre-arranged)
- Joan Mulvihill – Irish Internet Association (pre-arranged)
- Fred Logue – Internet Service Providers Association of Ireland (pre-arranged)
- Joe Kane – Law Society (pre-arranged)
- Kevin Thomas – Irish Computer Society

2. Minutes

It was confirmed that the Minutes from the February 25th 2016 meeting were published online, and that no further comment was received in relation to their content.

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

An overview of the policy change implementation to date was provided by the IEDR.

Landrush & Auctions

It was confirmed that the Landrush phase of release, and associated auctions for contested domain names, concluded in April - May 2016.

The success of the phase from an operational perspective was discussed. It was added that one contested application which progressed to auction provided some difficulty, as the highest bidder reneged on their offer, and refused to engage with requests for payment. The IEDR confirmed that it had made repeated attempts to engage with the bidder to no avail, and communicated a payment deadline date to the bidder via email.

After the final deadline for payment had passed, the registration of the domain was offered to the next highest bidder, at their highest bid amount. This second highest bidder accepted this offer, and the registration was subsequently assigned to that party.

General Availability

The final phase of release, General Availability, was discussed, and it was confirmed that the phase launched on May 16th, 2016.

Performance of the Release

The registration statistics for the phase were discussed, along with the overall performance of the release. The IEDR replied that it was disappointed with the volume of applications received, in particular during the Sunrise phase of release, which it felt may have been influenced by a number of external factors, including, but not limited to:

- ***Domain fatigue & Reluctance of Brand Managers***
  With the introduction of almost 1,000 new gTLDs in recent years, it was noted that this has led to a growing trend amongst right's holders and brand managers becoming less motivated to secure domains corresponding to protected rights in each namespace.

It was further added that the IEDR and a number of the PAC members had worked diligently to promote the release, and particular thanks were acknowledged to the IIA, SFA, APTMA, PAC

Registrars, amongst others. IEDR noted that approximately 10% of the accredited .ie Registrars had engaged with the release, and that this may have contributed to the low registration numbers.

Discussions returned to the Landrush auctions which were held for contested applications, and particularly to the winning bid amounts. PAC members expressed some surprise as some winning bids were noted to have been at lower prices than previously anticipated. Further statistics relating to this bid amounts were provided to the Committee, including the lowest, highest and average bid amounts.

A query was raised by the accredited .ie Registrars on the PAC present at the meeting for the full list of auction results to be made publicly available, or be made use of for marketing content.

The IEDR confirmed that it has no express intention to undertake this presently. It's content marketing strategy for 2016 is already established and would include opportunities to publicise the intrinsic value of .ie domains. The IEDR noted that it would have no objection to the Registrars publishing any statistics relating to their own clients, if they wished to do so.

As the policy change had now fully concluded, it was requested that the PAC Secretariat populate the policy conclusion template for this change, and include this for distribution to the PAC with the Minutes.

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

The progression of the policy change proposal to date was discussed.

Public Consultation

It was noted that the Public Consultation had ended in March 2016.

The feedback received was briefly outlined, and it was noted that this feedback had highlighted a number of areas for further consideration, including:

- the need for educational content to be compiled on IDNs, in order to assist with their introduction, and,
- Ensuring sufficient time was allocated to raising awareness and promoting the release,
- that no premium pricing should be charged for the Sunrise and Landrush phases of release.

Proposed Release Mechanism

The IEDR advised that these concerns were taken into consideration when designing the proposed release process and timetable, and further noted that it was working **to design an FAQ and additional informational content** to help raise educational awareness for the introduction amongst SMEs and bodies involved in the promotion of the Irish language.

In particular, it was highlighted that this informational content would provide details on what internet browsers and email providers supported IDN usage, along with any known issues associated with their use.

It was added that the IEDR had planned to allocate almost **three months for promotional activities** in the lead up to Landrush Phase and General Availability, which it was agreed was a lengthy and suitable time frame.

Furthermore, it was confirmed that **no premium pricing** would apply to the Sunrise or Landrush phases.

PAC members advised that Sunrise and Landrush were unlikely to experience high application volumes, due to the registration criteria associated with each phase. However, it was noted that the proposed release timetable accounted for all aspects of running auctions in Sunrise, if required for multiple applications for the same IDN.

The potential for a pioneer programme was discussed, however, it was agreed that the release process proposed by the IEDR was agreeable and suitably catered for the concerns raised during the Public Consultation.

The release timetable was presented to the PAC, along with a sample of the informational content which was being designed.

Under the IEDR's release proposal, Sunrise would be expected to launch for right's holders on August 23rd 2016, with Landrush running in October 2016, and General Availability following in November 2016.

Conversion Tool

In response to requests for a Punycode / Unicode conversion tool, the IEDR agreed that such a resource will be made available on its website, www.iedr.ie.

An accredited .ie Registrar on the Committee recommended that https://uasg.tech/ may act as a helpful resource when designing the informational content, and the IEDR and wider PAC expressed their thanks for this.

Accredited .ie Registrar lists on iedr.ie

The IEDR was asked if it would ensure that only Registrars with the technical capabilities to support IDN usage would be promoted on the relevant IDN Registrar list.

The IEDR confirmed that it would arrange this, and would add an additional filter to the standard accredited .ie Registrar list available on www.iedr.ie to display Registrars whose systems could accommodate IDNs for the release.

The IEDR further added that its systems can also accommodate the use of diacritic characters in all other application fields, such as name, address etc.

Recommendation for Implementation

The PAC were asked to provide their formal recommendation for the policy change implementation. Consensus was found to exist for this amongst the members present at the meeting. Due to the level of attendance, it was agreed that the PAC Secretariat would engage with the non-attending PAC members through the relevant mailing list, to ensure that there were no objections from non-attending members.

Assuming no objections are raised, Sunrise will launch on August 23rd 2016. Further updates will be communicated through the PAC mailing lists, and at the next meeting.

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

The progression of the policy change proposal to date was outlined.

Legal Advice

The IEDR confirmed that the required legal advice had been obtained in relation to the secondary market operations, and also in relation to the necessary amendments to the Registrant and Registrar Agreements, which were minimal.

Under the legal advice obtained, and the proposed edits to the Registrant Agreements:

- Vendors would be required to notify their Buyer(s) of their obligation to comply with the Registration and Naming Policy, **prior** to accepting any funds for the sale of the domain.

- Buyers would be required to confirm their understanding of, and agreement to, this requirement through completion of an "Acknowledgement and Disclaimer" notice. This must be provided **prior** to the transfer of funds for the sale. Once provided, the Buyer will be proceeding at his own risk, thereby removing any further liability the Vendor would be exposed to.

These provisions, it was noted, suitably protected the Registry and Registrars from potential legal recourse that could arise from instances whereby a Buyer failed to comply with the IEDR Registration and Naming Policies, had already transferred funds to the Vendor, and the Vendor refused to provide a refund.

The IEDR explained that it had engaged in extensive and helpful discussions with the Development Group reviewing this policy change in order to reach consensus for a proposed operating mechanism, and the legal agreement alterations.

Consumer Protection Mechanism: Optional pre-clearance

There was agreement that the proposed operational mechanism included appropriate consumer protection conditions, particularly through the optional pre-clearance service, which the IEDR has agreed to operate, for a small fee. The PAC acknowledged that this provision of this service was hugely positive for consumers, and was workable for both the IEDR and the Registrars handling the process.

Through this pre-clearance service, any potential Buyers who wish to confirm their eligibility to hold the .ie domain they wish to acquire, prior to purchase, can provide relevant documentation / information to demonstrate their compliance with the IEDR Registration and Naming Policies.

Once the IEDR Registration Services Department has verified the applicant's eligibility to hold the domain sought, a pre-clearance authcode will be issued to that buyer, and this acts as a guarantee that the IEDR would complete their future application, provided the Vendor decides to sell to them, and submits the registrant transfer request through their existing Registrar.

Timing of Payments

There was discussion on the matter of the IEDR mandating the "timing" of payments associated with the sale of a .ie domain – this required that Vendors ensure that no payment is taken from a buyer, prior to them completing the Acknowledgement and Disclaimer, and the Seller agreeing to the new Terms and Conditions.

The IEDR clarified that it was not attempting to interfere with the sale process in any way, but rather that this requirement was set in order to protect all parties involved in the process. It was added that this requirement is one of the terms under which secondary market is being offered, and has been designed based on the legal advice obtained.

One PAC member highlighted that they felt it was an unnecessary requirement, however, after further discussion, there was agreement to proceed.

The IEDR confirmed that under the agreed mechanism, the registrant transfer process would be handled by the existing Registrar. The buyer could potentially move the management of the domain to another Registrar, but only after the transfer process had been completed.

Fees

The IEDR advised that the fees applicable to the Registrant Transfer process are, as follows:

Buyer Pre-Clearance

- €14 - For requests submitted through an accredited .ie Registrar.
- €25 – For requests submitted directly through the IEDR Console.

Vendor – Completion of the Registrant Transfer Process

- €25 - For requests submitted through an accredited .ie Registrar.
- €50 - For Direct Registrants, requests must be submitted directly through the IEDR Console in this instance.

A PAC member commented that they would have preferred a higher margin between the Registrar fee and Direct Registrants, however, it was agreed that the fees were reasonable and furthermore, that consensus existed for their implementation.

A query was raised regarding what would happen in the eventuality that a Buyer decided to skip pre-clearance. The IEDR clarified that such a decision would be made at the Buyer's risk, and that the IEDR would not be liable should that party later find they cannot comply with the IEDR Registration and Naming Policy.

Acknowledgement and Disclaimer - clarification

It was noted that the term "sign", which was used in the PowerPoint slides at the meeting in relation to the agreement to the "Acknowledgement and Disclaimer" notice for Buyers, was incorrect as no physical signed documentation would be required by the Registry.

The IEDR confirmed that it had no objection to altering the slides, and confirmed that it would ensure the wording was appropriately amended.

Public Consultation

It was agreed that in accordance with the Policy Development Process (PDP), that consensus existed for the policy change, and for the initiation of the Public Consultation process, which would run to ensure that the wider opinions of the Irish Internet Community and public could be taken into account during the decision making process.

There was further agreement that the PAC Secretariat should engage with the non-attending PAC members to ensure that there were no objections to the initiation of the Public Consultation.

There was some discussion on how to raise awareness and engagement for the Public Consultation phase, and it was agreed that the IEDR would promote this through the normal channels, including national press, online tech blogs, Twitter and through additional means, such as online forums, such as boards.ie, amongst other relevant channels.

Proposed Release Timetable

The IEDR outlined the proposed release timetable, which was subject to no serious objections being raised during the Public Consultation. Through the timetable, secondary market operations would be expected to launch in November 2016.

It was noted that there were a number of considerations accounted for when establishing the proposed release timetable, including: -

Technical

- To support the Registrant Transfer process, the IEDR will need to update its Console & API.
- Registrars will also need to update their own internal systems to accommodate this process.
- Testing of the new commands will also need to be undertaken by the IEDR and the Registrar Channel.

Marketing and Communications

The IEDR confirmed that it had worked to develop a detailed framework for a marketing and communications plan to support this potential release.

Furthermore, it was noted that materials will be made available to the accredited .ie Registrars, and PAC members, to assist them with promotion amongst their own client / member base.

IEDR Board Sign-off

In line with the PDP, it was noted that the policy change would be presented to the IEDR Board at their next meeting, with the PAC's recommendation for implementation.

It was noted that the Board of the IEDR would need to give detailed considerations to the matter. It was also added that any objections from the Board would be documented and communicated to the PAC, and on the IEDR website, via the Board template, as provided for in the formal 10-step PDP.

Further updates will be communicated through the PAC mailing lists, and at the next meeting.

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

The progression of this policy change to date was outlined, and it was noted that feedback from the County & City Manager's Association (CCMA) was still pending, despite requests for this being issued in September 2015.

It was agreed that sufficient time had been provided for any objections to be raised, and that the PAC Secretariat would write to the Department of Communications, Energy & Natural Resources to request that they formally notify the CCMA of the initiation of the 90-day countdown period for the removal of the Geographic rule.

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

The progression of this policy change to date was summarised.

It was noted that the policy change had been approved by the Committee at its last meeting, but that there was an outstanding matter relating to the design of a potential release mechanism for the four domains which correspond to gTLD extensions, that have historically been restricted by the IEDR, but which it has agreed to release.

As the Development Group confirmed that they required more time for their deliberations, it was agreed that the proposal would be carried over for discussion at the next meeting.

8. Policy change – to allow shortened versions of a person's first name with regard to Personal Name Domain applications

The discussions to date were summarised. Members were reminded that there was full consensus for the policy change. The action item remaining was to choose to deterministic basis through which the policy change could be practically implemented.

As the Development Group confirmed that they required more time for their deliberations, it was agreed that the proposal would be carried over for discussion at the next meeting.

9. Any Other Business

Industry related developments / relevant legislative changes

Topics discussed included:

- ❖ IANA Functions Stewardship transition
- ❖ The Protecting Internet Freedom Act
- ❖ ICANN Accountability

Fast Track

The IEDR proposed two "fast-track" requests for changes to the IEDR Naming Policy, which were felt to be of overriding benefit to the namespace, and which should be allowed to be implemented without the need for adherence to the full 10-step PDP.

1) The first change proposed an alteration to **section 8.1 of the Naming Policy**, to acknowledge that the IEDR no longer requires original forms of any necessary supporting documentation, and that photocopies and scans are both acceptable, and the preferred means of submission.

   There was consensus for the change, and it was agreed that it would be implemented once a 60-day notice period had been provided to the accredited .ie Registrar channel.

2) It was further proposed to amend section **8.2 of the Naming Policy** to permit the acceptance of required supporting claim information in the remarks field of the electronic application ticket, or in the body of emails sent to the IEDR.

   It was noted that this would enhance the registration process, removing the need to provide superfluous documentation, and would significantly reduce the handling time associated with processing an application for a .ie domain.

   There was consensus for the change, and it was agreed that it would be implemented once a 60-day notice period had been provided to the accredited .ie Registrar channel.

Charity Policy

The IEDR's Charity Policy to waive domain registration and renewal fees for registered Charities was raised for discussion by the accredited .ie Registrars on the Committee.

It was noted that the administrative work required for Charity registrations was equal to that of a standard .ie registration, and that a number of Registrars had begun to charge an administrative fee to recognise the associated overheads.

The Registrars present further noted that the policy of waived fees was often misinterpreted by registered Charities, who also felt that they could avail of waived fees for related services, including hosting and email services, amongst others.

Additionally, it was remarked that in some cases, registered Charities are availing of further reductions and discounts, which further affect the Registrar's operational cost margins.

In light of the workload and cost associated with providing these services to registered Charities without charge, it was noted that some Registrars had felt it necessary to introduce an administrative fee to offset these factors.

The accredited .ie Registrars present proposed that the IEDR should update the content of the relevant webpages on http://www.iedr.ie to include a notice regarding the potential that existed for Registrars to charge administrative fees. It was proposed that this would set realistic expectations for Charities interested in applying for a .ie domain, who wishing to avail of the waived registration fee offer.

The IEDR agreed that it had no objection to this, and would prepare a text alteration for the relevant webpage, which would be circulated to the PAC Registrars once ready.

Annual Report

The PAC Chairman confirmed that the finalised 2015 PAC Annual Report was presented to the IEDR Board since the last PAC meeting. He passed on the IEDR Board Chairman's thanks to the Committee for all of their dedication and efforts throughout the first full year of the PAC.

Policy Conclusion Template

It was confirmed that the Policy Conclusion Template had been created and distributed by the PAC Secretariat in May 2016, and that no objections existed to its design or content.

It was further agreed that the PAC Secretariat would populate the template to account for the conclusion of the 1 & 2 letter domain name policy change, and that this would be issued to the PAC with the Minutes.

10. Next Steps

- PAC Secretariat to populate a policy conclusion template to account for the completion of the 1 & 2 letter domain release. This will be issued to the PAC with the Minutes.

- PAC Secretariat will engage with non-attending PAC members to ensure there are no objections to the decisions reached at the meeting on July 5th relating to:

    o the proposed release mechanism and timetable for IDNs,
    o the initiation of the Public Consultation, and the proposed operations model associated with the introduction of the secondary market,
    o the two fast-track change requests to sections 8.1 and 8.2 of the Naming Policy.

- IEDR will distribute supporting IDN marketing and communications material to accredited .ie Registrars, PAC members, bodies involved in the promotion of the Irish language etc.

- IEDR will engage with the accredited .ie Registrar channel to ensure only Registrars that are technically capable of supporting IDNs will be listed as such on the relevant pages on www.iedr.ie.

- IEDR will implement a Punycode / Unicode conversion tool on www.iedr.ie.

- In the absence of objections from the non-attending PAC members, the PAC Secretariat will initiate a 30-day Public Consultation on the proposal to permit secondary market operations.

- PAC Secretariat will write to DCENR to request that they formally advise the CCMA of the initiation of the final 90-day countdown period, before deletion of the Geographic rule.

- PAC Secretariat will issue the slides from the meeting to the wider PAC.

- IEDR to amend text on Charity Policy webpages on www.iedr.ie to clarify that administrative fees may be charged by Registrars.

11. Next Meeting

PAC Secretariat will engage with wider PAC to set a date for the next meeting, expected to be held in mid-late October 2016.