

Setting registry policies and procedures

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Agenda

- What do we mean by “policies and procedures”?
- What are the broad policy choices?
- How do you set policies (consultation)?
- Managing change (dealing with legacies)
- Managing reserved and/or blocked names
- Communicating possible changes

What do we mean by “registry policies and procedures”



General considerations

- Policy choices can have major operational, technical and financial impact
- No policy will deliver perfect results
- Policy choices can have unintended consequences
- First, identify your strategic goals
 - Growth?
 - Quality?
 - Financial strength?
- Be prepared to monitor, evaluate, change

Registration policies

- Registration policies
 - Who can be a registrant?
 - Where does the registrant have to live?
 - What rights, if any, do registrants need to have in a domain name?
 - Is there anything we don't want registrants to do with their domain name?

- Let's identify the choices together

Registrar policies

- Who can be a registrar?
 - Anyone?
 - Anyone in the country?
 - Anyone who can do the job?

- What minimum criteria should be in place to assure quality of service?
 - Technical competence?
 - Financial stability?
 - Honesty? Integrity?

Privacy and access to data

- WHOIS data - what is it?
 - Registration data
 - Publicly available
- Who relies on WHOIS data?
 - Law enforcement and intellectual property rights holders
 - Registrars and registrants
- What are they looking for?
 - Contact data for the registrant
 - Technical data about the domain name or its management
- What do they need the data to be?
 - Contact data - accurate enough to make contact
 - Technical data - precise and authoritative

Implications of policy choices

- First-come, first-served
 - Easy to automate, standardise
 - Cheaper prices, higher volumes
 - Registry or registrars do not have to make difficult decisions
 - But, speculation, domain name disputes...

- Eligibility criteria
 - Who checks?
 - Possible work-arounds (proxies, inaccurate information)
 - Fewer disputes, fewer speculative domains
 - Fewer registrations
 - Challenges about decisions **not** to register names
 - Less standardised, more complex, can be higher costs

Implications of policy choices

■ Registrar policies

- How do you strike the right balance between quality control and having a vibrant, competitive retail channel?
- Is the registry ready for a channel of registrars?
 - IT systems
 - Documentation
 - Standardised processes

■ Privacy and WHOIS policies

- How do you strike the balance between privacy and access?
- Who collects and publishes the data (registry, registrars, no one?)
- What do you do about inaccurate data?

Consultation mechanisms



Policy change and consultation

- Understanding your regulatory framework
 - Is there a regulation or legislation governing your operation?
 - Do you have a regulator?

- Identifying relevant stakeholders
 - Regulator or government
 - Domain name industry
 - Business, trademark owners
 - Other civil society groups - privacy, consumer, academic

Do you need to consult?

- Who is in charge of making policy for the TLD?
- Not all companies consult on policies (eg Google, Facebook, etc).
- There may be a regulator, or legislation
- But
 - Policy input from multiple stakeholders can be persuasive
 - **RFC 1591**: the ccTLD manager “is the trustee of the top-level domain.... It is appropriate to be concerned about “responsibilities” and “service” to the community.”
- Consultation with the community gives you information, different perspectives, legitimacy

What is the best way to consult?

- ‘Bottom-up’ working groups (like ICANN)?
 - Relies on having a large enough pool of engaged expertise
 - Multi-year processes
- ‘Top down’ registry proposals?
 - How do you ensure that affected people have had the chance to give input?
 - Are you confident that you understand all the implications of potential policy changes
- Whatever the method:
 - Involve as many different interests as possible
 - If necessary, proactively contact key stakeholders
 - Try to understand the various perspectives
 - Try to ensure balanced outcomes that further your strategic objectives

Consultation mechanisms

- Written proposals and public comment
 - Comprehensive, transparent (if published)
 - High time demands of participants, difficult to achieve balanced inputs
- Public meetings organised by registry
 - Less formal, people can have their say without reading complex documents
 - Difficult to capture the inputs for later use, can be 'stagey', cost of attendance can be high
- Focus groups or advisory bodies
 - More informed, smaller groups allow people to speak freely
 - Risk of group think, capture
- Surveys
 - Quantitative, professional, statistically significant sample
 - Can be difficult to communicate complex policy issues, people may not understand them.

Taking account of consultation responses

- Transparency
 - Publication of consultation proposals / issues
 - Publication of responses, summaries, transcripts
- How did the responses affect the final policy?
 - Qualitative or quantitative analysis
 - Summarise responses by the issues
 - Show that the input influenced thinking, changed the proposals (or supported original proposals)
- Think about the archive
 - Web content can be transient
 - Policy processes are part of the registry's history and legitimacy

Publication and enforcement



Publish the final policy!

- Good policies are
 - Clear
 - Concise
 - Well Communicated
- Registries (and even ICANN 😊) can sometimes forget to publish the final version of the policy
- Try to have a single web page with links to all policies

Implementation and enforcement

- Implementing policy can affect:
 - External communications
 - Operational systems
 - Technical systems
 - Relationships with key partners (eg registrars, law enforcement, government)

- Forward planning and adequate resourcing are essential
 - What will be the impact on budget?
 - What will be the impact on human resources?
 - What is a realistic timescale to implement the policy change?

Enforcement of policy - different approaches

- Technical enforcement
- Suitable for high volume, easily automated policy
- EURid policy is to protect the privacy of natural persons and prevent misuse of WHOIS data
 - Display email address only on WHOIS results relating to natural persons
 - Display a random code to prevent automated mass look-ups

Internal enforcement

- Example: ICANN Compliance
- Internal team of 21 People
- Approach: prevention first (informal) then enforcement (formal)
- gTLD registry compliance, 10 areas including WHOIS, payments, equivalent access to registrars
- gTLD registrar compliance, 7 areas including WHOIS, business practices, consensus policy, payments, insurance
- Audit programs for registrars and new registries
- Difficult balances: demand will always outstrip resources; perceptions of fairness will vary

Outsourced enforcement

- Suitable for complex issues, requiring skilled intervention, and to avoid legal liability
- Domain name disputes:
 - ICANN UDRP - outsourced to WIPO, NAF, Arabic Centre for Dispute Resolution
 - EURid euADR - outsourced to Czech Arbitration Court
 - Some registries operate own dispute resolution (eg .uk) but outsource the final decisions to external experts
- Points to remember:
 - Contract of registration
 - Registrar contracts and responsiveness to decisions
 - Arrangements with third party providers

Dealing with legacies



When you change What happens with legacies

- Tip: it takes much longer than you would imagine!

Management of reserved/blocked names



Reserved and blocked names

- ICANN new gTLDs requires exclusion of country codes, name collision words, words relating to Red Cross / Red Crescent and international Olympic movement
 - .london name collision list - over 12,000 names (2013). Registration allowed, but could not be activated
 - 2014: new gTLD registries permitted to release many on name collision lists
- ccTLDs can define their own policies, for technical or policy reasons:
 - .eu blocked and reserved names (1,600) for EU institutions and on request of member states.
 - Procedure for activation of reserved names

Managing reserved and blocked names

- A changing area
 - Name collision in the ICANN environment.
 - .eu New member states and/or EU candidate countries
- Can be complex and challenging
- Registries need to keep lists up to date
- When blocks of names are no longer reserved, how do you manage the release:
 - First-come, first-served
 - Auction?
 - Sunrise?
- Communicate changes well in advance

Communicating possible changes



Communication of changes

- Everything takes longer than you hope
- Example: trade and transfer of .eu domains (2012)
 - Automated trade and transfers, free of charge, more user friendly for both registrants and registrars
 - Extensive consultation with .eu registrars from 2010
 - Process finalised in 2011
 - Updates to relevant contracts
 - Registrars and the registry had to update their technical systems
 - Extensive communication and lead times
 - Well communicated switch-over date (21 November 2012)

Review of key points

- Policy includes registration, registrars, privacy, disputes
- Policy choices have technical, operational, financial impacts
- Consultation: Who? How? Why?
- Implementation of policies: technical, outsourced, internal (costs/benefits)
- Beware of complexity: legacies, reserved/blocked names
- Communication - timely, clear, concise.