



Internet Society of Australia
A Chapter of the Internet Society

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Mr Paul Szyndler
auDA 2012 Industry Advisory Panel
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Dear Mr Szyndler,

Internet Society of Australia
Submission in response to First 2012 auDA Industry Advisory Panel Issues Paper

The Internet Society of Australia (**ISOC-au**) welcomes the opportunity to provide this submission in response to the 2012 auDA Industry Advisory Panel's first Issues Paper. As you know, two of ISOC-au's directors, Robert Gregory and Jerry Leeson, are members of the Panel. Mr Leeson was a nominee of Education Services Australia.

About the Internet Society of Australia – *The Internet is for Everyone*

The Internet Society of Australia, ISOC-AU, was founded in 1996. It is a non-profit, user-focused organisation which promotes development of the Internet in Australia to benefit the whole community, including business, academic, professional, and private Internet users.

ISOC-AU is committed to the positive evolution of the Internet. It is the Australian chapter of the worldwide Internet Society (**ISOC**).

Submission

1.1: How to extract the best value for the Australian Internet community, through whichever registry selection mechanism, beyond 2014.

The Internet Society of Australia does not have a firm view as to the best technical and commercial approach to the registry selection mechanism beyond 2014.

We agree in general with the issues identified in the Issues Paper and consider that a formal or informal EOI process may identify a credible potential alternate registry services provider with the technical skills, experience and capacity and financial capacity to develop a system to provide the services.

Only if such a credible alternate provider is identified as a result of any formal or informal EOI should a formal RFT process be conducted.

1.2 Pros and cons of maintaining the provision allowing for multiple registries.

We agree that the process for the 2014 registry selection should solicit a single registry

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provider, but that auDA should retain the possibility of multiple registries in the future.

1.3 Possible effect of the introduction of new gTLDs

We agree that it is too early to have a clear understanding of the effect of new gTLDs on the .au DNS or market for registry services for the .au ccTLD.

1.4 Scope of competition amongst potential registry operators in Australia.

We have not been made aware of any registry services providers seeking to provide their services in the .au ccTLD.

2.1 The current accreditation fees and processes.

The current registrar accreditation fee does not appear to create a barrier to entry for new registrars or have a material impact on the cost of .au domain names to end users.

While there does not appear to be current compelling need to do so, Registrar fees could be raised if necessary to better cover auDA's costs of registrar administration.

Increasing accreditation fees, of itself, is unlikely to result in a higher technical standard for the provision of registrar services.

Therefore if it is necessary to increase accreditation fees to a point below which they are likely to become a barrier to entry in order to enable auDA to assess and monitor registrar technical, commercial and financial compliance, this should occur.

2.2 The accreditation for overseas based registrars.

ISOC-au agrees that it would not be appropriate to place limitations on foreign companies providing .au registrar services (or Internet infrastructure services generally) provided that appropriate privacy and other protections for the Australian Internet community are in place.

This is particularly important as privacy and personal information security issues are likely to become more sensitive in the future, as foreign jurisdictions impose greater mandatory personal information disclosure obligations upon information holders than under Australian law.

On the other hand, ISOC-au does not think it is appropriate that foreign registrars are subject to less scrutiny than locally based registrars.

To that extent, ISOC-au suggests that auDA consider establishing a common protocol of pre-accreditation and ongoing registrar monitoring and surveillance which is consistently applied to local and foreign based registrars.

2.3 The accreditation of registrars for drop-catching services.

ISOC-au considers that at this stage there is does not appear to be a compelling basis for differentiating the accreditation criteria or process for drop-catching services.

2.4 The requirements for potential registrars to act as resellers for six months or show equivalent experience.

ISOC-au considers that given the 'policy rich' .au domain and the benefits it provides to consumers and suppliers (as a point of difference from gTLDs and other TLDs), there is benefit in continuing to require potential .au registrars to demonstrate they have appropriate policies and procedures to apply .au policy and experience in applying them, prior to becoming fully accredited as registrars.

3 Registrar Security.

ISOC-au welcomes the development of the draft auDA ISS Compliance Policy.

4 The status and regulation of resellers.

ISOC-au recognises that there may be a role for resellers to act as 'informed purchasers' on behalf of their customers which could have benefits of enhancing competition and consumer protection.

However, we also consider that the principle of 'registrar responsibility' for the acts of resellers is likely to be the only effective mechanism by which auDA with its limited resources can continue to effectively regulate the large numbers of resellers in the .au ccTLD.

It is also a fundamental principle that registrants retain ultimate control over their domain names. The only 'owner' of a customer is the customer.

For that reason ISOC-au may support a mechanism under which:

- resellers may voluntarily opt-in to an enhanced reseller code of practice to be developed by a reseller representative body and approved by auDA;
- resellers which have voluntarily opted-in:
 - could be listed in the registry database (and thus whois) as the 'reseller of record' for that domain name; and
 - in the future, may seek specific authorisation from the registrant to authorise the reseller to choose a registrar on the registrant's behalf (ie, portfolio portability).

Recognising auDA's limited resources, the principle of registrar responsibility and the necessity to ensure that any trust mark program for resellers must be proactively administered so as not to fall into disrepute (as has recently happened to the US Energy Star Program¹), ISOC-au recommends that auDA not be involved in the establishment or administration of any trust mark program for resellers.

Rather, if resellers consider that such a trust mark provides their businesses with a point of difference or other competitive advantage sufficient to offset the cost of establishment and administration of a trust mark program, they may form a representative body to do so, subject to the reseller code of practice.

Thank you once again for the opportunity for ISOC-au to participate in this process.

Regards,

Roger Clarke
Director & Policy Committee Chair
Internet Society of Australia

¹ See, for example: <http://www.zdnet.com/blog/government/the-strange-story-of-how-a-completely-fake-gas-powered-clock-radio-got-its-energy-star-certification/8570>