

# **.nz policy review submission, April 2021**

## **Thanks**

Metaname offers thanks for the opportunity to comment on the draft InternetNZ policies and for the open, transparent manner in which InternetNZ operates.

## **Unintentional changes**

It's likely that changes made to .nz policy documents will introduce unintentional changes, differences between the "spirit" of the policy as it was intended to be interpreted and a legal interpretation of the newer wording.

We feel that there should be a statement that where such ambiguity becomes apparent, that the older rules apply and that the current rules may be updated to reflect as such without consultation, subject to objection at a later review. There is much to like about current policy and this should not be undermined by the proposed changes.

## **First come, first served**

"We consider that the 'first come, first served' principle is better suited to a policy relating to registration and cancellation than as it was - a principle purporting to apply to the .nz policies as a whole."

Where a registrant registers (and keeps current) a domain name, they should come first even after registration. It should not be possible for any third party to successfully argue that the domain name be transferred to them instead. The .nz registry does not recognise copyright nor trade marks as conveying any additional rights in the .nz name space and this approach is critical if compliance costs are to be kept manageable. As with all other concerns this could be overridden by the "Rule of law" naturally.

We are concerned that large organisations that are a very small part of the New Zealand Internet are seeking to have InternetNZ consider their interests above those of others. We strongly urge InternetNZ to resist such interference.

In the course of interacting with registrants, Metaname has learned that some individuals have had to go to court to defend their rights in relation to their domain names against aggressive corporates with well-funded legal teams. We feel that the registry has a responsibility to defend less well funded registrants against such corporate overreach.

## **No concern for use**

As we have argued previously, neither InternetNZ nor registrars should be held liable as a result of actions taken in good faith, nor be responsible for making decisions in cases where domain names are being used in an anti-social manner. Where there is criminal conduct, the police and

the courts are already competent and have authority and it would be a mistake for such responsibility to be unilaterally self-appointed. Where a recognised authority is prepared to *direct* InternetNZ and/or a registrar such as in the case of an authenticated court order then compliance would be swift without the burden of decision.

While we note that the review documentation makes explicit that a "trusted notifier" regime is out of scope presently, we note with alarm the growing body of evidence documenting the abuse of such systems in the interests of a few minority stakeholders who are otherwise relatively unimportant to the operation of the wider Internet.

## Clear chain of relationships

We feel that registrars should be able to publish contact details for resellers in WHOIS where those details should feature prominently. Registrants often make direct contact with the registrar when they should instead be in dialogue with their primary service provider in the first instance. Making reseller contact details publicly available would reduce the confusion of registrants who don't remember registering directly with the registrar (because they didn't) and reduce the burden of support teams at the registrar and reseller when handing over these cases.

## Privacy

"We would become the mediator between domain name holders and members of the public who wished to contact the domain name holder."

We support this proposal. The registry should be the only entity with access to contact information across all .nz domain names (other than the full name of the registrant, which

remains published in WHOIS) and can implement technical measures to limit access to such information by third parties and provide transparent auditing when contact details have been used by third parties.

## Pricing

"This wholesale fee will be the same for all .nz domain names"

"variable pricing ... rebates ... incentives"

We strongly disagree and feel that the status quo should be maintained.

The people that we interact with find pricing confusing enough as it is, and this statement holds true across the entire customer base of which we have experience, covering a wide spectrum of technical and/or fiscal competence.

Proposed changes to pricing structure would be complex and costly to implement. Mistakes would be made in the implementation and costs would be recovered by increasing the price of all domain names, thus having the opposite effect than that intended and eroding faith in the .nz domain name space.

"incentivise good privacy and security practices"

The incentive would be for registrars to make no improvements until given rebates from InternetNZ to do so, thus having the opposite effect of that intended.

We feel that the desired outcomes could be achieved by other means:

## Typosquatting

Registrants could interact directly with the registry to request that typosquatting names be "Reserved" at the registry rather than registered and available for use, which was never the intention.

### **..target domain name holder groups**

InternetNZ could simply provide grants directly to such registrants on the proviso that the funds are used for their designated purpose. This approach has the benefit that the funds can be used for design and hosting services rather than only domain names.

### **Encourage more domain name registrations**

Some registrants will always choose the cheapest option in the mistaken belief that domain names are a commodity and that a name under a non-NZ TLD offers them the same rights and protections as a .nz name. InternetNZ could do more to reach registrants with tangible examples of why .nz names are worth more than the cheaper options.

### **... incentivise registrars to be more innovative**

InternetNZ already provides a list of registrars on its web site that is very useful for registrants looking to locate a registrar with a particular service offering. This tool could be made more prominent and expanded to include tools to indicate registrars with whatever features InternetNZ wishes to promote.

We note with interest much discussion concerning the price of .nz domain names but much less discussion in relation to the price of coffee. One possibility for consideration is that perhaps coffee drinkers are more aware as a general rule that a less expensive coffee is not necessarily a better coffee and might not even have the same flavour profile. This observation seems to be in stark relief to the count of coffees at currently exorbitant prices that would have to be

sacrificed in order to match the cost of a twelve-month renewal of a .nz domain name. We propose that discussion of the price of .nz domain names be viewed more as a form of sport for over-caffeinated registrants rather than a genuine concern over the high cost of operating on the public Internet. We do not propose at the existing time that the maintenance cost of a .nz domain name be linked to the price of a triple-shot skinny cappuccino with chocolate sprinkles and two marshmallows but note that if the registry intends to maintain a similar extended period of price stability since the last time that the wholesale price of .nz domain names was increased, that by the time the wholesale price is next adjusted, the two goods might have achieved price parity in any case.

## **Minimum registration and renewal period**

Metaname feels strongly that month-by-month renewal of domain names should be retained as a hard requirement for the new registry system. We feel that the reasoning for the proposal to move to annual only renewals is flawed as follows:

"[month-by-month renewals account for] around 4.2% of the registry"

Since many registrars operating in the .nz space do not offer month-by-month renewal, many registrants are unaware of the option to do so, and are often delighted to discover that this option is available to them.

"Easier for most registrars to understand and implement"

With respect, if a registrar has difficulty understanding the concept of a domain month, how will they fare when asked to understand and respect registrant rights? By contrast we do not recall a single instance where a registrant had trouble understanding domain months despite in some

cases having difficulty understanding some other ideas such as the difference between a domain name and a web site.

"Registrars could avoid the additional development that would be required to support a monthly period."

Registrars wishing to avoid presenting customers with the option of month-by-month renewal may simply elect not to, just as many existing registrars operating in .nz do not. The EPP protocol supports a unit field that registrars wishing to offer registration only in units of 1 year may set as y (year).

"understanding .. can diminish between initially connecting to our registry and improving or revising their systems."

Documentation (both internal and external) is essential to understanding, which is in turn critical to software integration.

"This can result in the slow buildup of automatic renewals"

Registrars should engage in reconciliation activities as a matter of course.

"This can be frustrating for registrars and can impact them financially."

Will the impact be greater when the .nz registry automatically renews such domain names for twelve months rather than one?

Many registers with which Metaname interacts offer the option to configure domain name either to renew at term, or to lapse. When configured for renewal, it is possible to specify the renewal term. When configured to lapse, the domain name may be renewed explicitly within a short period after the term is over with an *advance renewal* instruction. The new registry system could be specified to offer such facilities if required.

Many of the registrants that we have had the privilege of interacting with choose .nz because they are proud of .nz and to be a part of New Zealand and understand that .nz offers more than the cheaper alternatives. The more that .nz looks like a cookie cutter registry, the more that New Zealand based entities will choose other commodity TLDs. Month-by-month renewals are part of what makes .nz unique and we think that the new registry system should reflect that.