

# Responding to the Pickens Review of DNCL

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**AUTHOR:** Jordan Carter  
**ITEM:** 2.4  
**FOR:** Council  
**PURPOSE:** To suggest to Council a draft InternetNZ response to the Pickens Review of the Domain Name Commission.  
**DATE WRITTEN:** 3 October 2019

## Introduction

In 2018 DNCL commissioned David Pickens to conduct an independent review of its role as the independent regulatory and compliance body in the .nz governance system.

The reviewer's draft report was published earlier this year, feedback sought and incorporated, and a final report was presented to the company mid-year. The Commission's Board considered the recommendations and published its response, along with the [final report](#), in a [media release](#) on 22 August.

The review was a thoughtful study and analysis of the Commission and its role, and offers many helpful suggestions in its recommendations. In some areas the limited time available to the reviewer, and the complexity of the subject matter, affects specific conclusions or advice - but overall the report is a valuable assessment of how DNCL is doing. Its overall conclusion is positive, and that is something for us all to celebrate.

## InternetNZ's role

InternetNZ is the ccTLD manager for .nz and has overall responsibility for the stewardship of the .nz domain name space. It has established DNCL to assure the fairness of the .nz market including through enforcement of the policy and contractual framework, and through the provision of dispute resolution services.

It is appropriate for InternetNZ to state its views on the Commission's plans for responding to the review to assist the Commission in implementing them consistent with InternetNZ's overall vision for the development of .nz. This should be a public response to the review and the Commission's response so that it is transparent to all stakeholders.

## Key points for a response

In my view, InternetNZ's response should convey the following key points:

- Welcome the review and thank the Commission for conducting it, and thank the reviewer by extension for his consideration and insight.
- Offer broad support to the Commission for its implementation plan as proposed in its [Response](#) to the Review.
- Welcome the Commission's decision to provide ongoing reporting on the implementation of the Review's recommendations.
- Note that the Report provides useful constructive input to the ongoing .nz policy review, and also to future work about how to engage the public in .nz most effectively.
- Note that the balancing of commercial and public interest objectives in respect of the operation of the .nz domain name space (Rec 2) is largely the responsibility of InternetNZ - the Commission's role is generally exclusively public interest focused, given its role in the .nz system.
- Consider with InternetNZ the broader impact - including on the ccTLD manager - of any proposed changes to the market concentration policies (Rec 6).
- Welcome a collaborative approach to implementing a number of the recommendations where they fit with a broader whole-of-dotNZ or InternetNZ-DNCL approach (e.g. performance of the domain, influencing ICANN re information disclosure re other TLDs, linkage to Te Ao Māori).
- Note that the section of the report dealing with fees (pages 70-75 and findings 13-17 in the report) is problematic in some respects, mixing consideration of fees charged by DNCL and fees charged by InternetNZ, for DNCL services and for .nz domain name registrations respectively. InternetNZ and DNCL are considering the pricing framework for .nz domain name registrations. We should welcome the Commission being clear about the basis on which it sets fees for its authorisation and dispute resolution roles, as part of the response to this Review or as part of ongoing work to redesign the DRS.
- On promotion of .nz (page 45, finding 9), InternetNZ and DNCL have worked together to develop a new brand framework - this includes a new identity and brand for .nz, InternetNZ and DNCL. We anticipate ongoing collaboration for the promotion of the domain to ensure the widest possible range of New Zealanders know about .nz, and envisage a future where most of the promotion of the namespace happens under the .nz brand, rather than under DNCL or InternetNZ organisational brands. InternetNZ anticipates that the work to do this promotion, regardless of the brand in use, will be collaboratively driven by both organisations.

## Council input

I would welcome input from Council members on other themes they would like to see InternetNZ share with DNCL and the public in responding to the Review.

## **Recommendation**

**THAT** the points above [as amended] be formed into a response to the Commission, and that this be sent by staff to the Commission under the President's signature with a request that it be published on DNCL's website alongside the Review and the Commission's response.

Note: the response will also be published on the InternetNZ website, along with links to the Commission's response and the Review itself.

Jordan Carter,  
Group Chief Executive

**Attached:** DNCL [Response](#) to the Pickens Review