



Telephone (04) 472-8838, Facsimile (04) 473-1698  
PO Box 3043, Wellington 6015, New Zealand. Level 12, Grand Arcade Tower, 16 Willis Street

Debbie Monahan  
Domain Name Commissioner  
Office of the Domain Name Commissioner  
P Box 11-981  
Wellington  
[policies@dnc.org.nz](mailto:policies@dnc.org.nz)

14 February 2007

**Re: Second Consultation on RMC Policy Review**

Dear Debbie,

Thank you for your letter of 13 November 2006 providing the New Zealand Bankers' Association with the opportunity to respond to the second consultation on RMC Policy Review.

As a preliminary point, the Association supports the suggestions on page 2 of your letter and those provided in the Association's initial submission of 13 September 2006. The Association acknowledges that these suggestions might represent significant changes to the current policies on .nz domain name registrations, however it believes that such suggestions are timely and appropriate.

At paragraph 2.5 of its submission of 13 September 2006, the Association submitted that a list of restricted words should be drawn up by the Office of the Domain Name Commissioner ("DNC"), similar to the Companies' Office, as a guide for registrars carrying out their functions. The Association notes that this issue was raised as part of the Ministry of Economic Development's Discussion Paper on a Strategic Consideration of ICT Security and Confidence ("ICT") in New Zealand (see questions 15 and 16). The Association submitted in its response of 28 April 2006 on the ICT Discussion Document that the government should establish a more formal relationship with InternetNZ around the issue of the administration of the Domain Name System in order to ensure that the domain names have integrity. The Association believes that the introduction of a clear policy around domain names that are restricted should not be onerous and would suggest that the DNC consult with the Companies' Office regarding the operation of its policy.

The Association believes that the clear benefits of such a policy in order to ensure that domain names sought by an applicant do not contravene an Act, are not identical to other names or are offensive would outweigh any potential cost of administering such a policy. If a policy is sufficiently clear and brought to the attention of all applicants (i.e. prominent on the DNC website) then the issue of the DNC having to make judgment calls should be lessened. The benefits of the system are that the integrity of NZ Internet services will be maintained and there will be less likelihood of applicants using domain names for fraudulent purposes. If the DNC is concerned about liability issues then the Association would suggest that the government should investigate the possibility of setting out in legislation a specific provision that protects the DNC/registrars (and its officers) from liability where they have acted in good faith in either refusing to register a particular domain name and/ or cancelling a domain name as the case may be.

The Association also believes that the establishment of this policy will also signal a positive step together with the new Dispute Resolution Services (DRC) in protecting commercial property or personal rights. This policy would complement the work of the DRC which the Association understands is primarily aimed at resolving disputes between parties about unfair registrations rather than helping to ensure that broader public rights are protected from malicious threats, such as “phishing attacks”. As these threats are instantaneous and likely to impact on a wider public then a policy is important in helping to ensure that such abusive registrations do not happen in the first place.

Finally, we note from the final page of your letter of 13 November 2006 that the present policy appears to be that “names can be cancelled if used for illegal purposes but proof must be given to the DNC that use is illegal, the DNC will not make the judgement”. As a point of clarification, we would appreciate it if the DNC could confirm whether receipt of information from an authorised representative of a bank that a name is being used for the purpose of a “phishing attack” would be sufficient to satisfy the DNC that use is illegal?

I hope that you find this response useful and please do not hesitate to contact us if you have any further queries.

Yours faithfully

**Alan Yates**  
**Chief Executive**