



13 February 2007

Domain Name Commissioner  
PO Box 11-881  
Wellington

Dear Ms. Monahan

### Policy review

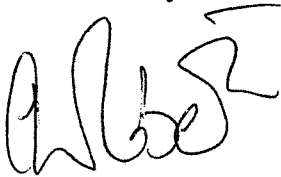
Thank you for the opportunity to provide further input to your review of the existing Registering, Managing and Cancelling Domain Names Policy. Again I have consulted within the SSC and we offer the following comments:

1. SSC supports and endorses the concept of a grace period. We consider five working days is an appropriate period because it gives a “once per week” window of opportunity for objections to improper use, for example “passing off”.
2. In principle, SSC endorses the creation of moderated 2LDs for specific industries (as in the oft-quoted .bank.nz). We consider these domains appear effective in limiting the scope of spoofing and phishing attacks. We can see no obvious “down-side” to these 2LDs as we consider they enhance uniqueness and usability at little or no cost.
3. SSC endorses the checking of new domain names for undesirable or disruptive purposes, such as passing off. However, we consider the mechanics of such checking may be onerous. In our view, Item 1 above will be the most effective way of checking new domains provided the DNC has sufficient powers to act in the event of undesirable activity being spotted. For instance, the wespac.co.nz domain name is likely to be identified and objection lodged by at least one registrar (and possibly also the moderator). In this situation, the DNC must have the power to act on those objections. Nonetheless, SSC supports any additional checking that can be effectively implemented.
4. Registrars already have the power to cancel a domain name in the event of a failure to pay the appropriate fees. We therefore assume this clause is intended to cover the issue of crimes committed by means of the internet. We consider this should not be limited to fraud but should include the crimes specified in the Crimes Act (in particular ss 249 to 252). Clearly some discretion must be provided because cancellation of, for example, the Westpac.co.nz domain in the event of an employee committing fraud, would be an inappropriate remedy.

5. SSC supports the introduction of a clause setting out that a domain name that is not permitted by law, or is not in accordance with any law operating in New Zealand, may not be used. The onus should be on the applicant to ensure this clause is fulfilled. We consider, however, item 1 may be a more successful strategy in *managing* the use of inappropriate words in domain names. For example, the use of words such as “bank”, “government”, “university”, and others would be scrutinised during the grace period allowing objections to be lodged. This mechanism will require the DNC to have sufficient powers to act on any reasonable objections.
6. While supportive in principle, SSC considers a formal list of prohibited words would be difficult to agree and maintain. A list of criteria for restriction may be more pragmatic as it would reduce maintenance and accommodate context, which may be a major component in the determination of whether a name is objectionable.
7. SSC is not in the retail domain name business and we consider it would be inappropriate to comment on the payments issue.

If you have any queries or require more detail, we are happy to further discuss any aspect of our response.

Yours sincerely



Chris Roberts  
Senior Advisor  
State Services Commission