

## Recommendations (REC)

**REC1:** The DNCL should view itself more as a competitor against other TLDN administrators and regulators. A useful objective would be to better meet the needs and preferences of registrants than other TLDNs

**REC2:** To the extent commercial and public interest objectives are believed to conflict with respect to management of the .nz space, these conflicts need to be identified and assessed with a view to their effective management.

**REC3:** The DNCL commence a process to explore the utility of a comprehensive information disclosure regime to drive better performance across registrars in the .nz space.

**REC4:** The DNCL commence a process to identify, collect and publicly disseminate information on its performance over time.

**REC5:** The DNCL seek international co-operation through the APTLD, ICANN, the ccNSO, for example, to promote a robust information disclosure regime that provides information on the relative performance of TLDs, thereby lifting overall performance in the domain name market

**REC6:** That the DNCL consider the merit of rescinding the current market concentration policies.

**REC7:** In the event the DNCL does not consider competition risks to be adequately managed by the Commerce Commission alone, it is further recommended market concentration information continue to be collected, together with other information that might be useful to indicate whether there might be an evolving issue with respect to the abuse of market power by registrars. The information collected should be made publicly available.

In the event evidence emerges of growing risks, the relevant information should be made available by the DNCL to the Commerce Commission for them to respond to as appropriate.

**REC8:** Draw on international experience to date, in particular the effectiveness of measures so far deployed and new measures being developed.

**REC9:** Explore the importance of co-ordination and co-operation between countries and TLDN operators for new measures to be effective. This could involve engagement with ICANN's Public Safety Working Group

**REC10:** Work with other agencies to develop an enforcement option that might better promote the public interest compared to the current strategy.

**REC11:** Identifying measures to improve the integrity of the information contained on the register, allowing access to that information for law enforcement purposes, and the process for removing registrants from the Register to prevent harm.

**REC12:** The expected effectiveness of any additional measures for both protecting the integrity of and confidence in the .nz space and reducing internet related harm in New Zealand.

**REC13:** The expected cost of any enforcement measures, including but not limited to; privacy, reduced access to the internet for registrants (delays, higher costs), legal and financial risks of removing registrants from the Register when they should not be, and reduced choice of registrar.

## Recommendations (REC)

**REC14:** The process to be used by regulators when seeking the removal of a registrant from the Register

The burden of proof required before making that approach so that there is a high level of confidence that the decision is the right one

Whether compensation should be available for registrants in the event they are incorrectly suspended from the Register

Who should have responsibility and bear the legal risk for any additional enforcement functions, in particular taking responsibility for making the call to remove a registrant from the register. Who should be responsible for additional functions should be guided by considering which party would have the best incentives, capacity, and capability to be effective in delivering on the enforcement objectives. having regard to managing the related risks and cost.

The pros and cons of an incremental versus comprehensive (big bang) approach to reform

Who should meet any additional financial enforcement costs and how, having regard to what parties are the beneficiaries and “risk exacerbators”, informed by the Treasury guidelines on recovering costs in the public sector.

In the event it is found the status quo is to be preferred, the reasons for this decision should be well publicised so that registrants and others might develop a good understanding of the reasons for that decision. Public comment should be invited on those reasons. Further, the opportunity should be taken to inform participants in the .nz space how they themselves might better manage internet related risks and harms.

In the event a new approach is favoured or significant disagreement remains between stakeholders, a process of public consultation should be initiated centred on the new approach and the status quo. Ideally that process should be taken forward by a working group of key stakeholders who would hear and consider submissions and oversee the preparation of the discussion document and final decisions.