

## Domain registration policy review: Terms of Reference

### 1. About Nominet

The .uk country code Top Level Domain (ccTLD) came into existence in July 1985 and was initially operated on an informal basis by volunteers from the UK internet community. Domain name registrations were allocated by a “Naming Committee” free of charge on a quasi-manual basis.

By the mid 1990s, this position became unsustainable and since 1996 Nominet, a private company limited by guarantee, has administered the registry database and nameserver infrastructure (which enables .uk domain names to be used for web browsing and email).

In practice Nominet does not often deal directly with the potential registrants of domain names, leaving this to its network of registrars who have automated access to the Nominet registration systems. Nominet has around 3,000 registrars which include almost all UK Internet Service Providers (ISPs), as well as media organisations such as the BBC and other parties who prefer to manage their own domain names. Registrars typically provide other services such as web hosting and design, and email provision in addition to domain name registration.

Almost without exception, Nominet’s registrars are also members of Nominet. Being a member of Nominet results in a much lower wholesale cost for registration of domain names; £3.50 for one year, £5.00 for two years.

Nominet has been very successful. There are now over 10.5 million .uk domain names (the vast majority being co.uk) which makes .uk the third largest ccTLD in terms of number of domain names under management, and the fifth largest domain registry worldwide after taking into account .com and .net domains.

### 2. Current domain registration Rules

The registration process is now formalised and governed by [Rules](#) and [Terms and Conditions](#) which explain the registration process and obligations on Nominet and its registrants.

The Terms and Conditions provide that identity and contact information provided must be accurate, and that registration and use of a domain name must not infringe third party intellectual property rights (7.3 and 7.4 of the Terms and Conditions). However the obligations placed on domain name registrants are intentionally minimal.

It is important to note that since Nominet’s inception, the registration policy has been that applications for a domain name are accepted on a “first come, first served” basis and that applications, which are submitted electronically, are not vetted (Rule 4.2), and that there are no restrictions as to who may register co.uk and org.uk domains (Rule 4.4). The only restrictions applicable to domain names administered by Nominet are set out in Rule 5, namely that:

- a domain name must consist only of the characters a-z, 0-9 and hyphens;
- the first and last characters of a domain name must not be a hyphen;
- domain names must not start with “xn- -” (this is used in some registrations systems for non-latin scripts and accented characters etc);

- at the third level, the second levels used within .uk (co, org, ac, etc) are reserved for policy reasons, together with “com” and “uk”; and
- the total length of a domain name may not be more than 64 characters in total.

It will therefore be apparent that Nominet has intentionally taken a non-restrictive approach to the words and phrases that may be used in a domain name. Nominet has historically not made any value judgement as to the use to which domains are put, or whether they might be offensive or in poor taste. This is also the practice adopted by other open registries such as .com, .eu and .org, and in many other ccTLDs. In some ccTLDs however, such as .ie (Republic of Ireland), there are naming policies which state that a domain name must not be offensive or contrary to public policy or generally accepted principles of morality. In .cn (China) there are restrictions on content, including pornography and gambling.

### 3. Restrictions on use/ abuse of a domain name

In recognition of the open nature of the registration system, Nominet provides a dispute resolution service (DRS) which allows complaints to be brought quickly and cheaply against registrations which take unfair advantage of third party rights. Around 60 complaints are made via an online form each month, typically on the basis of trade mark infringement. Compared with between 150,000 – 200,000 new domain registrations made each month this appears to be an effective and proportionate countermeasure to abuse of the open first come, first served allocation policy. Similar alternative dispute resolution processes exist for almost all other TLDs.

For more serious issues such as criminal use, Nominet has established working relationships with law enforcement agencies such as SOCA, the Metropolitan Police’s e-Crime Unit and Trading Standards, under which an expedited suspension process (i.e. removing functionality of a domain name whilst maintaining it on the database of registrations) is successfully used. In practice, Nominet deals with a handful of law enforcement suspension requests each month (mostly for counterfeit goods and prescription medicines).

Nominet is also a member of the [Internet Watch Foundation](#) (IWF), and will act expeditiously to remove access to child sexual abuse images and criminally obscene adult content.

### 4. Recent concerns

Following concerns raised by an internet safety commentator, Nominet has recently been contacted by the Department for Culture, Media & Sport in relation to .uk registration policy. Our exchange of correspondence is [here](#). An article was subsequently published in the Sunday Times on 4 August 2013 in which concerns were also expressed about the volume of internet pornography hosted in Britain, and the lack of restrictions applied by Nominet in accepting domain name registrations.

### 5. Policy review

As a result of the concerns expressed and consistent with our commitment to public consultation on policy issues affecting .uk, Nominet is [reviewing its approach to registration policy](#), to establish whether current practices should change.

Nominet has decided to contract an external independent expert to chair a review on whether there are certain words or expressions which should be restricted in domain names administered by Nominet.

#### 6. Process and timing

Nominet's Policy Secretariat will assist the review Chair with coordination of a public call for contributions, together with bilateral meetings and/or seminars with key stakeholders (Nominet's registrars and members, civil society, government and other public bodies, law enforcement etc). The Chair should then review the contributions and prepare a summary of responses and, if appropriate, recommendations.

Indicative review timetable:

- Early September: announce policy review, appointment of Chair and call for contributions
- 9 September – 4 November 2013: bilateral meetings and seminars
- November: produce report and recommendations
- December: publication of Chair's report, public contributions and outcome of policy review

## Contributions form wording

Nominet is considering the extent to which it should be restricting offensive or otherwise inappropriate words or expressions in domain name registration.

When submitting your response, please take into account any public interest and technical issues in the process of domain registration, together with the effectiveness and proportionality of any restrictions in the context of facilitating legitimate content and freedom of expression.

1. Do you believe that some terms and expressions should be blocked completely, and if so how do you propose such a list could be drawn up and maintained?
2. If you do not believe that any restrictions should be introduced at the point of registration, should a post-registration complaints procedure be introduced, and if so, what should the criteria be for a complaint to be upheld, and what remedies should be available?
3. Any further comments on this topic?