

# The Information



## response

September 22<sup>nd</sup> 2013

**nominet**<sup>®</sup>

Consultation on second level domain registration in .uk

July 2013



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## About The Information I

The Information I Ltd is a company registered in England (# 4111601) which is controlled by Chris Smith and provides consultancy and other services in the intellectual property, technology, financial and management fields to a diverse range of clients primarily within the United Kingdom.

In addition to these services the company owns, operates and manages several websites the principal one of which is <http://i.co.uk>

## Nominet

Nominet UK is a company limited by guarantee and registered in England under No. 3203859. They are one of the world’s leading internet registry companies, who manage the .uk domain space and are expanding into the running of other domain name registries. They have a public purpose agenda and work closely with national and international organisations to find ways of making the internet a better and more secure place.



## 1. Introduction

The domain name landscape is rapidly changing. Consumers and registrants will soon be faced with an array of new domain extensions as part of the generic Top Level Domain expansion. At Nominet we are committed to exploring ways to support those businesses and individuals who are part of the .uk namespace and to ensuring that .uk remains relevant and can compete in this changing environment. It is our view that potentially allowing registration at the second level is an important component of how we innovate in this space moving forward.

In October 2012 we launched a three month consultation seeking stakeholder feedback on a set of proposals that would underpin the potential release of second level domains. A summary of the feedback was published in February 2013 and can be accessed on our [website](#).

The consultation process was the largest ever carried out by Nominet with a substantial number of responses which helped us understand what was important to our stakeholders. It was clear from this feedback that there was support for registrations at the second level but that the original proposal could not proceed. We have made significant changes in order to try and address the concerns raised and strike a better balance between the needs of different stakeholders. The revised proposal forms the basis for this consultation.

We are committed to the existing .uk registrants and believe that offering the opportunity to register a shorter domain name would help the .uk namespace remain competitive. This would attract registrants to a domain we are making trusted, safe and relevant. Therefore we intend to allow second level domain registration subject to stakeholder feedback to this consultation. This, together with the development of a new Security Road Map for the entire .uk namespace will help Nominet meet its objectives to:

- Maintain the relevance of the .uk name space in a rapidly developing market;
- Provide additional choice for registrants in the .uk space and meet market demand;
- Fulfil Nominet's public purpose by increasing security and trust in the .uk namespace; and
- Progress Nominet's commercial development.

We recognise that enabling second level domain registration would be a significant change to the .uk domain space. We are committed to working with all our stakeholders in order to deliver any proposed changes in the right way. We are grateful to you for your feedback on the proposed changes.

## 2. About you

We would like to know a bit more about you to assist us in evaluating your feedback. We would like to use this information to keep you informed of this consultation and relevant .uk policy, and to invite you to .uk policy events that may be of interest to you. You can opt out if you do not want us to do this. We will not use the information you have provided for any other purposes and we will never give your information to third parties.

The feedback we receive will inform our decision making on the way forward. If you agree, we will publish your response once this decision has been made. You can choose whether you would like us to do so. We may include your feedback in our summary, but this will not be personally identifiable.

The data in this consultation is being collected and processed on Nominet's behalf by Nomensa. Your data will be processed solely at Nominet's direction and no copies will be retained by Nomensa once the consultation is complete. Both Nominet and Nomensa are registered as data controllers with the Information Commissioner's Office.

Please answer all questions marked with an asterisk (\*).

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\* I would like you to keep me informed of this consultation

Yes  No

\* I would like you to keep me informed of future .uk policy and .uk policy events

Yes  No\*

\* Please tell us about your organisation type.

Company with less than 250 employees

\* Please tell us about your sector

Intellectual Property

\* Please tell us if you already hold a domain name in one of the existing second levels in .uk (e.g. .co.uk)

Yes  No

\* Are you a Nominet registrar?

No  Yes:

\* The feedback we receive will inform our decision on the changes to be made to registrations at the second level. We will publish all formal stakeholder responses once this decision has been made along with a summary. Please tell us if you are happy for us to publish your response by selection from the options below:

Yes I am happy for Nominet to publish my response with my name and organisation only

No I do not want Nominet to publish my response.

### 3. How to complete this consultation

The consultation package is comprised of two documents, the [Consultation on second level domain registration in .uk](#) and [Background and further detail](#). You may also find the [Summary of feedback](#) to the first round of consultation useful in preparing your comments on the proposals. A link to the [Q&As](#) is also provided.

The Second Level Domain Registration consultation is made up of five sections as listed below. We are seeking your comments on the content of any of these, or you may simply prefer to provide some general comments. You can do so at the bottom of this page.

Individual sections:

- [The proposal for second level domain registration.](#)
- [Registration process for registering second level domains.](#)
- [Release process for the launch of second level domain registration.](#)
- [Reserved and protected names.](#)
- [General views.](#)

We would welcome your views on the revised proposal before **23 September 2013**.

In providing your feedback we would be grateful if you would consider whether the revised proposal to allow second level domain registration would meet our objectives to ensure .uk remains trusted, relevant and competitive. We would also be interested in your views on whether there would be an improved, fairer, or more cost effective way of achieving these objectives.



If you wish to submit any general comments rather than comment on each individual section please feel free to provide them in the space below.

WE WOULD ASK THAT THE WHOLE OF OUR RESPONSE IS REGARDED AS CONSTITUTING AND REFLECTING OUR COUNTER PROPOSALS TO THOSE OUTLINED BY NOMINET IN THIS DOCUMENT AND ELSEWHERE.

IF NOMINET CHOOSES TO REQUOTE ANY PART OF OUR RESPONSE WE WOULD APPRECIATE THE ADDITIONAL INCLUSION OF THE FOLLOWING STATEMENT:

"This respondent (Chris Smith of The Information I Ltd) did not agree to the enabling of second level domain registration in the way we had outlined and presented significant counter proposals which can be viewed in their entirety in his published response."

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We previously responded to the Direct.uk consultation and a copy of our response can be viewed at <http://i.co.uk/wp-content/uploads/2013/01/sitesubV1.pdf>

#### 4. The proposal for second level domain registration

*This proposal seeks to strike a better balance between the differing needs of our stakeholders and respond to the concerns and feedback raised to the initial consultation. We have 'decoupled' the security features from the proposal to address concerns regarding the potential creation of a 'two tier' domain space and compulsion to register in the second level. We have set out a more efficient registration process to enhance trust in the data and put forward an equitable, cost effective release mechanism.*

4.a Do you agree with the proposal to enable second level domain registration in the way we have outlined?

Yes  No

4.b Please tell us your reasons why.

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Summary

We, on balance, favour the introduction of second level domain registration but ONLY if the rights of existing third level registrants, in terms of their exclusive "names," are retained by them along lines similar to our counter proposals. Hence no general availability of existing names should be allowed. In the absence of amendments to the existing proposals to this effect we do NOT agree to the enabling of second level domain registration.

The existing status of third level domains should not be diminished by any second level registration being enabled. We regard certain of the proposals as doing precisely that, effectively making the existing third level domains second class. This can be avoided by implementing changes to the third level registrations at substantially the same time as second level registrations are enabled equating the two.

There are over 10 million different, and we argue exclusive, names on the current register and it has been estimated that over a million registrants might under Nominet's proposals not exercise their "right of first refusal" and hence these names in the .uk namespace would become generally available. We have estimated that the number of businesses and organisations involved might be between 300,000 and over 1 million.

The direct effect of this, following what could be one of the worlds largest ever release of domains, will be to precipitate, cybersquatting, legal actions, disputes, and together with the associated inextinguishable media firestorms, could be disruptive to an extent which could threaten the very existence of one of the most respected registry's in the world. A catastrophe!

Nominet's proposals DO NOT meet the objectives they outline.



We have outlined counter proposals which involve the granting of an "unregistered primary right" to all individually named domain registrants to register the equivalent .uk domain. It would remain intact, unless exercised or transferred as long as the registration continues. It extends significantly the ".../. option to reserve ..." (section 6.c).

We believe these counter proposals better reflect and meet Nominet's stated objectives, significantly reduce risk and would be attractive to all registrants and other stakeholders.

We have suggested an appropriate methodology to address, and solve, the issue arising out of the 2011 short domains release whereby, after auction, hundreds of .me.uk and then .org.uk domains were registered ahead of .co.uk ones by Nominet (section 6b).

This is necessarily a short summary of our views which are expanded upon in our responses to the sections which follow.

## 5. Registration process for registering second level domains

*We believe that validated address information and a UK address for service would promote a higher degree of consumer confidence as well as ensure that we are in a better position to enforce the terms of our Registrant Contract. We propose that registrant contact details of registrations in the second level would be validated and verified and we would also make this an option available in the third levels that we manage.*

5.a Please tell us whether you agree or disagree with the proposed registration requirements we have outlined, and your reasons why. In particular, we welcome views on whether the requirements represent a fair, simple, practical, approach that would help achieve our objective of enhancing trust in the registration process and the data on record.

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General statement

We do not disagree with the proposed registration requirements for registering second level domains, with regard to contact information, but we believe that the process should be identical for third level registrations.

The reasons for this are as follows:

(1) The third stated objective of these proposals (per 1 Introduction) "Fulfil Nominet's public purpose by increasing security and trust in the .uk namespace;" (In spite of the spell checker we will attempt to use a single word for namespace throughout our response).

We believe that differences in the registration process as between the proposed second and existing third level registrations do nothing to increase security and trust in the .uk namespace, in fact they would do exactly the opposite. Some would say, and we would have difficulty disagreeing, that this simply relegates third level domains to being second class!

(2) The introductory narrative to this question includes "... promote a higher degree of consumer confidence as well as ensure we are in a better position to enforce the terms of our Registrant Contract."

Our conclusion from this narrative and hence the proposal is the corollary i.e. a lower degree of consumer confidence will attach to third level registrations.

(3) This envisaged process for second level domains does not involve any CHANGES to the existing Registrant Contract it seeks simply to enforce the existing terms which equally apply to third level registrations.



## Registration requirements - our proposals

Whilst we understand there may be complications in applying identical processes to second and third level registrations we suggest that a strict "roadmap" with regards to the third level registrations is drawn up and implemented within a short period of time (ie months) equating the process to that of second level domains registrations if they are enabled.

[Without prejudice to the generality of the above a possible primary constituent of the roadmap could be that all NEW third level registrations from the date that second level registrations are allowed would be subject to the same validation and verification process as second level registrations.]

We do not favour the use of options for the third level as in accordance with the above views re equality they would also have to apply to the second level

Registration fees for third level registrations should be amended accordingly to cover any increased costs involved.

## 6. Release process for the launch of second level domain registration

*The release process prioritises existing .uk registrations in the current space by offering a six month window where registrants could exercise a right of first refusal. We believe this approach would be, the most equitable way to release registrations at the second level. Where a domain string is not registered at the third level it would be available for registration on a first come, first served basis at the start of the six month period or at the end of this process, if the right of first refusal has not been taken up.*

6.a Please tell us your views on the methodology we have proposed for the potential release of second level domains. We would be particularly interested in your suggestions as to whether this could be done in a fairer, more practical or more cost-effective way.

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**General statement**

Whilst we agree with the prioritisation of existing .uk registrations in the .uk namespace second level registrations proposals, we absolutely disagree with the "right of first refusal" methodology proposed.

Our reasons for this are as follows:

(1) Nominet rules for the registration and use of domain names within the .uk domains and its sub-domains states, inter alia, "If your application is for a Domain Name which is identical to a Domain Name that has already been registered with us, your application will be rejected"

This latter statement effectively gives an existing registrant the exclusive contractual right to use a unique domain name as a web address. This unregistered right should be maintained and honoured whilst the registration remains in force rather than as is being proposed simply cancelled after a six month "right of first refusal" window.

Some might argue that no such right exists due to the existence of identical strings being generally available from Nominet for .co.uk, .org.uk, .me.uk, .ltd.uk .plc.uk .net.uk and.sch.uk BUT the underlying reality is that unique third level strings exist for over 10 million registrants (ie 10,074,652). These figures are based on the latest available figures for Nominet's registry as at 31 August 2013 of 10,574,652 and the "around 500,000 domain names ... that have identical third level strings" mentioned elsewhere in these proposals. {We are assuming that this 500,000 figure quoted is the total of all co.uk, .org.uk etc domains with identical strings rather than simply the sum of the strings which would be less than 250,000}.

(2) Even with the undertaking\*, if the second level proposals are allowed, that "...Nominet would notify existing registrants by email, and would run an awareness campaign to ensure that existing registrants have every opportunity to exercise their right of first refusal." there will be many registrants who will be unaware that they must act within this six month period to protect their rights.



Elsewhere it has been estimated that there could be up to 1 million registrants in that situation. Nominet's own research earlier this year concerning the new ICANN gTLD's found that despite it being amongst the "... most significant developments in the history of the internet, yet the majority (55%) of senior decision makers in British businesses who have a website say they are unaware that new domain suffixes are to become available."

It has been estimated that around 3 million of the .co.uk registrations relate to businesses. Using this as a basis it is therefore possible that between 300,000 and 1,650,000 businesses could lose their rights at the end of the proposed "right of first refusal" period. It could be more it could be less! There is one certainty, it will be significant.

\*Unfortunately we have significant reservations, based on in particular these 2 consultations, as to the effectiveness of Nominet's proposed awareness campaign. Only just over 800 responded to the first consultation (direct.uk) after an excessively low key approach with NO media advertising involved whatsoever. We wonder what funds have been reserved / are anticipated by them for this awareness process as we would certainly expect it to run into several million £s involving high profile multi media campaigns.

(3) The likely disruption following on from (2) above could range from confusion through chaos to catastrophe. The Nominet proposal to make these unique existing named strings at the third level generally available on a first come first served basis at the second level will create virtually duplicate domain names.

(3a) Confusion - The proposed process is manna from heaven for cybersquatters and speculative acquisition of likely nearly all these second level names will subsequently impact internet users worldwide. They will have to differentiate between eg the operational Anybusiness.co.uk and the alternative offered by Anybusiness.uk. Email senders will have to differentiate between john.smith@Anybusiness.co.uk and john.smith@Anybusiness.uk and avoid mistyping addresses. Predictive apps (such as Swiftkey) will only add to the confusion on mobile devices. There will inevitably be search engine issues. We wonder whether cyber liability insurers will be prepared to cover all the associated risks. The .uk namespace will be severely denigrated both nationally and internationally and trust will inevitably be lost.

(3b) Chaos - Businesses who have lost their rights may be approached to buy their second level domain now registered to a third party at a premium price. Competitors of businesses may be approached and offered the second level domain of their nearest rival. Speculation is driven by financial gain, little else.

Nominet's Dispute Resolution Service (DRS) will likely be swamped and possibly overwhelmed by cases brought by businesses whose rights have been allowed to be registered by a third party. There would be at least thousands, could be tens of thousands and possibly hundreds of thousands. Media attention would be rife and unrelenting; firestorms would abound and be inextinguishable.

Legal actions will inevitably ensue.

Wholesale trust in Nominet by the business sector, particularly the small business sector, would be lost. Trust would be lost & lost quickly; regaining it is extremely difficult and can take an eternity.

(3c) Catastrophe - This second level release as proposed is undoubtedly the largest domain release ever undertaken by Nominet (and quite possibly the largest ever global issue - there will be, in our opinion many million registrations within and immediately following the 6 month "right of refusal" period). This in itself would involve many challenges, and possibly pitfalls at best and disruptions at worst (eg delays to registration procedures, system errors, incorrect and/or unavailable "whois" information etc etc). Nominet is not a large organisation and some would question its administrative robustness when tested to disruption.

If this occurred and the level of chaos per (3b) was at the extreme end of the spectrum then the Government might feel it incumbent upon itself to intervene, possibly in terms of its powers under the Digital Economy Act 2010.

It should be remembered that the timescales could coincide with the next General Election. With a start to the proposed release process likely in quarter 2 of 2014 and allowing for the 6 months "right of first refusal" period and allowing for a little operational slippage chaos could reign in the first quarter of 2015 just ahead of the General Election due to take place on May 7<sup>th</sup>.

Release of second level domains - our proposals

Rather than the definitionally and practically negative "right of first refusal" we are outlining an entirely positive "unregistered right" for all approach. It is cost effective, fair, commercially attractive, simple and, most importantly of all, it not only protects existing registrants but adds to their intellectual property rights. It would increase overall trust in the .uk namespace. It would also be, we believe, a more manageable process with much reduced risk of disruption to the .uk namespace.



- (a) All registrants would be given an unregistered right which they could then exercise at any time in perpetuity whilst this right continued to attach, in general, to their existing third level domain. A registrant with a uniquely stringed domain would be given an unregistered primary right.
- (b) All registrants with identical strings would receive an unregistered right. It would be primary, secondary, tertiary, quaternary, quinary, senary or septenary depending on the number of domains that existed. Equivalent arrangements for ranking these "around 500,000" domains ie in general on a continuous registration date basis, as included in Nominet's current proposal would apply. Registrants of identically stringed third level domains who were one and the same would receive an appropriately ranked right for each of their domains.
- (c) All these unregistered rights would be allocated by Nominet as stage 1 of a release process. Registrants would be informed both directly and by an appropriate campaign of their rights and options by Nominet.
- (d) Stage 2 would commence shortly after Stage 1 and would allow existing Registrants to renounce transfer or exercise (if primary) their unregistered rights. The exercising and transfer of a right would trigger a requirement for the completion of any adopted validation/verification or other processes.
- (e) Stage 3, after an appropriate period of time (probably less than 6 months), would allow new second level applications for strings not subject to any unregistered rights. Registrants would be informed both directly and by promotional campaigns of their rights and options by both Nominet and its registrars.
- (f) New third level registrations would be issued with their appropriate second level unregistered right ie primary (if the string was unutilised) secondary tertiary etc depending on the specific circumstances of the string involved.
- (g) Transitional arrangements would be required to cater for third level registrations in the intervening period which at their simplest would involve on issue adding a corresponding unregistered primary right to a second level domain.
- (h) Upon the non renewal or expiry of a registration the relevant unregistered rights would be adjusted. If no unregistered rights existed for a particular string it would become generally available.
- (i) It would be up to Nominet and its registrars to positively persuade it's existing registrant stakeholders of the benefits of adding their second level domain by registering their right or exercising alternative options

#### Benefits (a selection)

- (i) It adds to an existing registrant's intellectual property.
- (ii) It avoids the enormous risks of making large numbers of identical strings being made generally available.
- (iii) It enables registrants to decide when and if they wish to enter the .uk second level namespace, at no additional cost, and they can defer the decision indefinitely as long as they maintain their existing registration.
- (iii) It enables registrants to decide when and if they wish to enter the .uk second level namespace, at no additional cost, and they can defer the decision indefinitely as long as they maintain their existing registration.
- (iv) This will be attractive to business, industry and organisations (including charities) in particular in terms of future planning and cash constraints.
- (v) Nominet & their registrars will have the positive task of persuading, through promotional and other campaigns, their registrants with primary unregistered rights to exercise or use them.
- (vi) These positive promotional campaign are likely to be less expensive to Nominet than the envisaged awareness campaign which should please Nominet's members.
- (vii) We are confident this novel approach would impress the media who will also appreciate its positivity.
- (viii) It reduces the risk of chaos or catastrophe.
- (ix) It enables Nominet to manage the release process, in particular the volume of new registrations, to a much greater extent.



(x) Internet users through the positive promotional campaigns will likely become engaged and become aware of and attracted to the NEW .uk namespace.

(xi) Government will appreciate the reduced risks.

6.b Are there any categories of domain names already currently registered which should be released differently, e.g. domains registered on the same day, pre-Nominet domains (where the first registration date may not be identified with certainty) and domains released in the 2011 short domains project?

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General statement

We will comment on (1) domains released on the same day and (2) those released in the 2011 short domains project. In the absence of detailed analysis by Nominet and/or availability of relevant historic information on their website we must leave it to others with such detailed knowledge to informatively address any other identified categories of domain names already registered which should be released differently.

(1) Domains released on the same day - our proposals

If time stamps within days are not available and the registrants are not one and the same, we propose that priority should be given on the basis of the domain numbers in the Nominet register at the start of the release process.

Whilst we do not have details of the constituents of the register, new domain registrations this century up until the latest detailed figures published by Nominet (March 2013) show the following:

- 1 - .co.uk 92.6%
- 2 - .org.uk 5.3%
- 3 - .me.uk 1.2%
- 4 - .plc.uk 0.6%
- 5 - .ltd.uk 0.2%
- 6 - .sch.uk 0.1%
- 7 - .net.uk 0.0%

We would be surprised if this overall ranking was different on the register at the present time.

This ranking at the third level reflects domain volume registrations and arguably the relative importance of the differing existing third level domains and would be an equitable method for prioritising domains with an identical string released on the same day.

(2) Domains released in the 2011 short domains project - our proposals

We have requested certain information from Nominet to enable us to develop this proposal more authoritatively as it is not available on their website. This has yet to be provided and hence certain dates, sequence of events and other information may require subsequent revision. We have indicated this by enclosing such information in <\_\_\_\_\_\_\_> where practicable

The Short Domain release process involved <2,801> short domains and <26> gTLD domains which were offered to be released. The <2,827> domains consisted of <713> .co.uk, <708> .org.uk, <722> .net.uk and <684> .me.uk.

There were three phases in Nominet's release process (i) Registered rights (ii) Unregistered rights and (iii) Landrush. Upon validation of the registered rights, unregistered rights and landrush applications any validated uncontested domain applications were registered virtually immediately and the validated contested domain applications went to auction.



The first dates of registration of the uncontested domains for these phases (there were inevitably a few subsequent registrations after review which trailed by short periods of time) were, Registered Rights 7th February 2011, Unregistered Rights 13 April 2011 and Landrush <23rd June 2011>.

The contested domains went to auction and the winners domains were registered, in July 2011 for .me.uk domains, August 2011 for .org.uk domains and September 2011 for .co.uk domains. (<We are unaware if any contested .net.uk domain auctions took place and if so their subsequent dates of registration. If so the numbers are likely small >).

[In the absence of the required information concerning details of the auction process we have analysed a small (30) sample from the "whois" database and it is apparent that contested registrations following auction appeared to take place over varying periods of time as follows .me.uk <25-29> July 2011, .org.uk <4-26> August 2011, and .co.uk < 6-29> September 2011. There are the following number of different dates July 2011 .me.uk <4>, August 2011 .org.uk <9>, and September 2011 .co.uk <10>. We cannot deduce from this sample whether auctions were carried out separately for each of the 3 Phases (Registered rights, Unregistered rights and Landrush) with corresponding subsequent registrations as we would expect].

Our proposal which mirrors the basis used in this release of prioritising rights holders is as follows:

As all applications were first validated in terms of the rules of the release, then the operative dates of effective registration for ALL domains released should follow this phased prioritisation, and be deemed to be the first date that ANY domains were registered in that phase irrespective of whether they were contested or not.

In practice this would mean that:

(i) ALL Registered Rights validated domain names registered would be deemed to have a registration date of 7th February 2011.

(ii) ALL Unregistered Rights validated domain names registered would be deemed to have a registration date of 13th April 2011.

(iii) ALL Landrush validated domain names registered would be deemed to have a registration date of <23rd June 2011>

In the event that more than one domain name with the same string had identical deemed registration dates, and the registrants are not one and the same, the ranking based on volumes of registrations in the Nominet registry as detailed in (1) above should apply for the 4 types of domains and would likely be as follows:

- 1 - .co.uk
- 2 - .org.uk
- 3 - .me.uk
- 4 - .net.uk

This overcomes the practical methodology adopted by Nominet during the administrative auction phase, over which applicants had no control or influence, whilst maintaining the overall integrity of the release mechanism and underlying basis of the prioritised rights.

6.c We recognise that some businesses and consumers will want to consider carefully whether to take on any potential additional costs in relation to registering a second level domain. Therefore we are seeking views on:

- Whether the registrant of a third level domain who registers the equivalent second level should receive a discount on the second level registration fee;
- Developing a discount structure for registrants of multiple second-level .uk domains;
- Offering registrants with a right of first refusal the option to reserve (for a reduced fee) the equivalent second level name for a period of time, during which the name would be registered but not delegated.

Please tell us your views on these options, or whether there are any other steps we could take to minimise the financial impact on existing registrants who would wish to exercise their right of first refusal and register at the second level.

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-----  
 We have no comments on these options as our counter proposals differ to those outlined to the extent that any inputs would be inappropriate.

We have outlined the benefits our counter proposals would offer all registrants in our section 6a response.

## 7. Reserved and protected names

*We propose to restrict the registration of <.uk.uk> and <.com.uk> in the second level to reflect the very limited restrictions currently in force in the second level registries administered by Nominet. In addition, we would propose to reserve for those bodies granted an exemption through the Government's Digital Transformation programme, the matching domain string of their .gov.uk domain in the second level.*

7.a Please give us your views on whether our proposed approach strikes an appropriate balance between protecting internet users in the UK and the expectations of our stakeholders regarding domain name registration. Can you foresee any unintended complications arising from the policy we have proposed?

WE WOULD ASK THAT THE WHOLE OF OUR RESPONSE IS REGARDED AS CONSTITUTING AND REFLECTING OUR COUNTER PROPOSALS TO THOSE OUTLINED BY NOMINET IN THIS DOCUMENT AND ELSEWHERE.

IF NOMINET CHOOSES TO REQUOTE ANY PART OF OUR RESPONSE WE WOULD APPRECIATE THE ADDITIONAL INCLUSION OF THE FOLLOWING STATEMENT:

"This respondent (Chris Smith of The Information I Ltd) did not agree to the enabling of second level domain registration in the way we had outlined and presented significant counter proposals which can be viewed in their entirety in his published response."

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 We are not commenting on this section.

## 8. General views

8.a Are there any other points you would like to raise in relation to the proposal to allow second level domain registration?

WE WOULD ASK THAT THE WHOLE OF OUR RESPONSE IS REGARDED AS CONSTITUTING AND REFLECTING OUR COUNTER PROPOSALS TO THOSE OUTLINED BY NOMINET IN THIS DOCUMENT AND ELSEWHERE.

IF NOMINET CHOOSES TO REQUOTE ANY PART OF OUR RESPONSE WE WOULD APPRECIATE THE ADDITIONAL INCLUSION OF THE FOLLOWING STATEMENT:

"This respondent (Chris Smith of The Information I Ltd) did not agree to the enabling of second level domain registration in the way we had outlined and presented significant counter proposals which can be viewed in their entirety in his published response."

### (1) Countering Speculative Activity

It is apparent that significant speculative activity has been generated as a result of these consultations, in particular, in relation to the short domains anomalous registration dates and likely elsewhere as well.

If the second level release is enabled it will be necessary to backdate certain rights assessment dates to at least the end date of the Direct.uk consultation or possibly even before that.

Other measures may also be necessary.



On the small sample we investigated concerning the short domains release more than 50% of the chosen strings registrations of .me.uk had been suspended.

Following on from our experiences in the short domain release we would also make a plea for the "Good Faith" rules to be strengthened in every stage of the application process and the consequences highlighted of any mis "Statements of Truth" (if applicable).

8.b Are there any points you would like to raise in relation to this consultation?

WE WOULD ASK THAT THE WHOLE OF OUR RESPONSE IS REGARDED AS CONSTITUTING AND REFLECTING OUR COUNTER PROPOSALS TO THOSE OUTLINED BY NOMINET IN THIS DOCUMENT AND ELSEWHERE.

IF NOMINET CHOOSES TO REQUOTE ANY PART OF OUR RESPONSE WE WOULD APPRECIATE THE ADDITIONAL INCLUSION OF THE FOLLOWING STATEMENT:

"This respondent (Chris Smith of The Information I Ltd) did not agree to the enabling of second level domain registration in the way we had outlined and presented significant counter proposals which can be viewed in their entirety in his published response."

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(1) Transparency and communication

We are again extremely disappointed that Nominet did not directly contact all its 10.5 million registrants to inform them of these (revised) proposals and we do not believe that " ... as many stakeholder views as possible be gathered in order to properly inform any decision" as originally requested by the Nominet Board has been, or is likely to be, achieved.

We cannot accept the overall reasons provided for this omission.

One of the inevitable results of this omission will be an increased lack of awareness by registrants if a second level release in whatever form is enabled.