

Nominet Wait List Service Consultation Feedback on the Consultation Paper for the PAB

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Version: 1.00
Date: Thursday 13th March, 2003

A. Introduction

This document summarises feedback on version 1.00 of the PAB paper “Nominet Wait Listing Services – A PAB Consultation” produced in response to the Subcommittee of the PAB dealing with Wait Listing Services.

This document only deals with summary sent to *pab-feedback@nominet.org.uk*, or to the author directly. These are the mechanisms for feedback detailed within the document.

The subcommittee received 22 submissions. One submission was submitted on the condition of anonymity, for which a reasonable justification was given. Copies of all submissions received are attached as Appendix II.

B. Executive Summary

The submissions provide no conclusive view for or against a WLS.

Many of those who argue against it now do so on the basis that the consultation exercise is premature, and other possibilities have not been explored, believing that the new renewals system’s implementation, the PRSS review, the clearing of the detagged domain backlog, and the automaton anti-abuse provisions may all have significant impact.

Of those who did support a WLS, the characteristics receiving most support were:

- Multiple subscriptions per domain name on a first come first served basis
- Subscription period tied to the underlying domain name
- Subscription in the name of the end registrant
- Nominet’s current business model (tag-changes, transfers, direct & indirect) duplicated as far as possible
- No change to grace period from that in the new renewals system
- No DRS for WLS subscriptions

C. Methodology of Analysis of Comments

Comments were received on the version 1.00 of the document.

No attempt was made to verify the connection of individual respondents with individual members of Nominet. No attempt was made to provide ranking of responses by number of domain names registered, or on the relevant tag.

The ordering of responses within this document is arbitrary, but approximately corresponding to date order of response.

Attitude to those questions capable of simple statistical analysis were rated between 1 and 5 according to the table below.

1	Strong disagreement
2	Disagreement
3	Ambivalence
4	Agreement
5	Strong Agreement

Where no comment on a specific issue was supplied, the response was discarded in relation to the analysis. Where a respondent specifically stated that they did not have an opinion (other than due to lack of information or inappropriateness to comment), this was counted as ambivalent.

The results of the statistical analysis are specified in Appendix I.

D. Responses to Specific Questions

Note that where questions contained multiple sections, these have been broken up into sub-questions identified as (a), (b), (c) etc.

Q C.1 Do respondents agree that the identification of stakeholder groups is accurate and complete?

Most respondents agreed. Some respondents pointed out that existing PRSS subscribers, or those providing ad-hoc WLS services, constituted additional separate stakeholder groups.

Q C.2 Do respondents agree that the subcommittee's intended consultation process is sufficient, or should the PAB recommend a different process?

Most respondents agreed. Two respondents disagreed, believing that the process was flawed in that it failed to consider other mechanisms of preventing abuse.

Q D.1a Do respondents agree with the subcommittee's summary of the advantages and disadvantages of a WLS?

No clear view was given. Five respondents agreed though six disagreed. In general those who disagreed did so in order to modify (rather than replace) the subcommittee's summary. Some respondents felt that additional revenue streams for tag-holders should not be considered an advantage. Some respondents felt that the disadvantage mentioned (the loss of sunk cost by existing ad-hoc WLS subscribers) was just a fact of life, or something those parties should have been aware of as a risk in any case. Another mentioned that the burden on Nominet (presumably of implementation and operation of the system) was an additional disadvantage.

Q D.1b How do respondents weigh these against each-other?

Only one respondent answered this question directly— most respondents preferred to perform their own evaluation.

Q D.1c Is introduction of a WLS, in some form, a good policy principle?

The submissions produced no clear view. Seven responses were in favour, and eight against. Given the importance of this question, it is worth commenting that few respondents were “on the fence” on the issue, and almost all who answered this question had strongly held beliefs (either way). Many gave reasoned arguments.

Note that the remainder of questions were based on the premise that some form of WLS would exist.

Q E.1 Do respondents support the idea that more than one WLS subscription should be allowed per domain name?

Most respondents agreed that more than one WLS subscription should be allowed per domain name.

Q E.2 If respondents support the idea that more than one WLS subscription should be allowed per domain name, what mechanism should be used to allocated expired domain names amongst multiple WLS subscribers?

Most respondents supported first come first served (FCFS) as the mechanism of allocation.

Q E.3 What period do respondents feel a WLS subscription should cover? What arrangements, if any, should be put in place for WLS subscription renewal, as opposed to simple resubscription?

Whilst this question was not specifically statistically analysed, most respondents suggested that the expiry of a WLS subscription should be tied to that of the domain name to which it relates – i.e. all WLS subscriptions should cease when the domain name is renewed, or when it is assigned to a WLS subscriber.

Q E.4 Is the grace period within the new renewals scheme sufficient in light of WLS proposals?

Most respondents believed the grace period was sufficient.

Q E.5 What measures should Nominet take in relation to notification of registrants when a WLS subscription is made in relation to a domain name?

Respondents were roughly split between those who believed some electronic notice should be given to the registrant (possibly with a pointer to further details), and those who thought no additional notification should be given. One respondent suggested notification would only serve to worry the registrant.

Q E.6 What data on WLS subscribers should be published, and how?

Respondents were split roughly equally between those who believed no information should be published, those who believed minimal information should be published (such as the number of subscribers), and those who suggested publication of as much data is currently published about the registrant. In the latter group, whois was the preferred form of publication.

Q E.7 Do respondents support the sub-committee's working assumption that contractually, the WLS service should mirror the registration service, i.e. that WLS subscriptions should be made in the name of the end customer?

This received strong support from respondents.

Q E.8 Should the similar arrangements for direct and indirect WLS subscriptions apply?

This received strong support from respondents.

Q E.9 Do respondents agree with the subcommittee's working assumption that charges for WLS should be set on a cost recovery basis?

This received strong support from respondents.

Q E.10a Should WLS charges include a charge for the first period of registration?

Respondents were split on this issue. Those who disagreed pointed out that in their view, each WLS subscription should not include a full additional charge for registration, given there was no guarantee of it succeeding.

Q E.10b How long should that period be?

Most who responded suggested 2 year terms.

Q E.10c What other factors to respondents feel are important in structuring WLS charges?

There was no consensus on this issue. Some respondents suggested the charge should mirror domain name registration charges, though one suggested it should be double the charge. Some suggested the charge should be set at a penalty or premium level, or be made "as painful as possible". Some believed that IPR holders should be given some form of preference or sunrise period.

Q E.11 Do respondents agree with the subcommittee's working assumption that at least initially, a WLS should be limited to co.uk, org.uk, and me.uk?

Most respondents agreed with this. Some argued that allowing it for other SLDs would be good for consistency, even if it was not used.

Q E.12 Do respondents agree with the subcommittee's working assumption that tag-changes on WLS subscriptions should be handled in a similar manner to tag-changes on registrations?

Most respondents agreed.

Q E.13 Do respondents agree with the subcommittee's working assumption that transfer of WLS subscriptions should be handled in a similar manner to transfer of registrations?

Most respondents agreed.

Q E.14 Do respondents agree with the subcommittee's working assumption that that WLS subscriptions should relate to a particular domain name, which cannot be changed during the period of that WLS subscription?

Almost all respondents agreed.

Q E.15 What do respondents see as the key legal and IPR ramifications of a WLS?

There was no consensus on this point. One correspondent commented that a WLS would bring trouble, and enrichment for lawyers (we may presume that the latter was a criticism as the submitter was not a lawyer). One believed the WLS provided no benefit for IPR holders. Some believed that in the case of multiple subscriptions, and auction should be held. One questioned whether the WLS (with a pre-agreement to Ts&Cs) would slow adoption of new Ts&Cs from 2 years to 4 years. One wondered as to what the legal difference was between a registration and a WLS subscription.

Q E.16 Do respondents believe that the DRS should be applicable to WLS subscriptions?

There was a strong feeling that the DRS should not be applicable to WLS subscriptions amongst respondents.

E. Other Responses

Several responses made the point that in their view the consultation begged the question, i.e. assumed that some form of WLS would be instituted anyway.

Some responses indicated that the main problem was with the current renewals system, and/or backlog of detagged domain names.

Several responses suggested the consultation was premature, in that it occurred before the new renewals system had been bedded in, before the PRSS review had taken place, before the detagged domain backlog had cleared, before the automaton abuse prevention measures had been implemented, and/or before other anti-abuse mechanisms had been examined.

A few responses suggested preference (in the form of sunrise periods or trademark challenges) should be given to IPR holders.

And finally, many submitters made valuable individual comments, sometimes in great detail, which can be found in their submissions.

Appendix I – Summary of Numerically Analyzed Responses

Q No.	Question & Analysis method	Average	For	Against
Q C.1	Do respondents agree that the identification of stakeholder groups is accurate and complete? 1 = Strongly Disagree, 2 = Disagree, 3 = Ambivalent, 4 = Agree, 5 = Strongly Agree	3.50	9	3
Q C.2	Do respondents agree that the subcommittee's intended consultation process is sufficient, or should the PAB recommend a different process? 1 = Strongly Disagree, 2 = Disagree, 3 = Ambivalent, 4 = Agree, 5 = Strongly Agree	3.58	9	2
Q D.1(a)	Do respondents agree with the subcommittee's summary of the advantages and disadvantages of a WLS? 1 = Strongly Disagree, 2 = Disagree, 3 = Ambivalent, 4 = Agree, 5 = Strongly Agree	2.92	5	6
Q D.1(b)	How do respondents weigh these against each-other?	Not numerically analysed		
Q D.1(c)	Is introduction of a WLS, in some form, a good policy principle? 1 = Strongly Disagree (that it is a good policy principle), 2 = Disagree, 3 = Ambivalent, 4 = Agree, 5 = Strongly Agree (that it is a good policy principle)	2.87	7	8
Q E.1	Do respondents support the idea that more than one WLS subscription should be allowed per domain name? 1 = Strongly Disagree, 2 = Disagree, 3 = Ambivalent, 4 = Agree, 5 = Strongly Agree	3.57	10	2
Q E.2	If respondents support the idea that more than one WLS subscription should be allowed per domain name, what mechanism should be used to allocated expired domain names amongst multiple WLS subscribers? Agreement with FCFS (vs Random) 1 = Strongly Disagree (i.e. supports random), 2 = Disagree, 3 = Ambivalent, 4 = Agree, 5 = Strongly Agree (i.e. supports FCFS)	3.67	9	2
Q E.3	What period do respondents feel a WLS subscription should cover? What arrangements, if any, should be put in place for WLS subscription renewal, as opposed to simple resubscription?	Not numerically analysed		
Q E.4	Is the grace period within the new renewals scheme sufficient in light of WLS proposals?	3.43	10	4

	1 = Strongly Disagree, 2 = Disagree, 3 = Ambivalent, 4 = Agree, 5 = Strongly Agree			
Q E.5	What measures should Nominet take in relation to notification of registrants when a WLS subscription is made in relation to a domain name?	Not numerically analysed		
Q E.6	What data on WLS subscribers should be published, and how?	Not numerically analysed		
Q E.7	Do respondents support the sub-committee's working assumption that contractually, the WLS service should mirror the registration service, i.e. that WLS subscriptions should be made in the name of the end customer? 1 = Strongly Disagree, 2 = Disagree, 3 = Ambivalent, 4 = Agree, 5 = Strongly Agree	4.00	11	0
Q E.8	Should the similar arrangements for direct and indirect WLS subscriptions apply? 1 = Strongly Disagree, 2 = Disagree, 3 = Ambivalent, 4 = Agree, 5 = Strongly Agree	3.77	10	1
Q E.9	Do respondents agree with the subcommittee's working assumption that charges for WLS should be set on a cost recovery basis? 1 = Strongly Disagree, 2 = Disagree, 3 = Ambivalent, 4 = Agree, 5 = Strongly Agree	3.54	9	2
Q E.10(a)	Should WLS charges include a charge for the first period of registration? 1 = Strongly Disagree, 2 = Disagree, 3 = Ambivalent, 4 = Agree, 5 = Strongly Agree	2.92	3	3
Q E.10(b)	How long should that period be?	Not numerically analysed		
Q E.10(c)	What other factors to respondents feel are important in structuring WLS charges?	Not numerically analysed		
Q E.11	Do respondents agree with the subcommittee's working assumption that at least initially, a WLS should be limited to co.uk, org.uk, and me.uk? 1 = Strongly Disagree, 2 = Disagree, 3 = Ambivalent, 4 = Agree, 5 = Strongly Agree	3.38	9	4
Q E.12	Do respondents agree with the subcommittee's working assumption that tag-changes on WLS subscriptions should be handled in a similar manner to tag-changes on registrations? 1 = Strongly Disagree, 2 = Disagree, 3 = Ambivalent, 4 = Agree, 5 = Strongly Agree	3.38	8	2
Q E.13	Do respondents agree with the subcommittee's working assumption that transfer of WLS subscriptions should be handled in a similar manner to transfer of registrations? 1 = Strongly Disagree, 2 = Disagree, 3 = Ambivalent, 4 = Agree, 5 = Strongly Agree	3.31	7	2

Q E.14	Do respondents agree with the subcommittee's working assumption that that WLS subscriptions should relate to a particular domain name, which cannot be changed during the period of that WLS subscription? 1 = Strongly Disagree, 2 = Disagree, 3 = Ambivalent, 4 = Agree, 5 = Strongly Agree	3.85	11	2
Q E.15	What do respondents see as the key legal and IPR ramifications of a WLS?	Not numerically analysed		
Q E.16	Do respondents believe that the DRS should be applicable to WLS subscriptions? 1 = Strongly Disagree, 2 = Disagree, 3 = Ambivalent, 4 = Agree, 5 = Strongly Agree	2.00	0	11

Appendix II - Responses

R1. Paul Smith - PSCS

From: Paul Smith [mailto:paul@pscs.co.uk]
Date: 07 February 2003 17:51
To: pab-feedback@nominet.org.uk
Subject: WAITLIST SUBCOMMITTEE

QC1: yes
QC2: it looks OK

QD1: IMHO advantages outweigh disadvantages

QE1: No - I think it adds far too much complexity. If the answer to QE2 was 'random', then it could cause legal complications. It would also (a) cause uncertainty for subscribers and (b) cause them to pointlessly spend money. If the answer to QE2 was 'earliest' then it would cause people to pointlessly spend money.

KISS

I currently use a 'WLS' service for some .com/.net domains. In this case it actually costs me nothing if the domains never become mine, but I pay a premium on the domain. If THIS was to happen with Nominet's WLS, then my answer to QE1 may change, but it looks as if they want to charge whether or not the domain WLS subscription is successful, so I'm giving my answers based on that assumption.

QE2: N/A
QE3: 'renewal opportunity'
QE4: yes
QE5: none
QE6: none
QE7: Not necessarily. It would make the system simpler if it was in the name of the tagholder
QE8: yes - with similar cost differentials.
QE9: Hmm. No, I don't think so. I think there should be a relatively low charge (eg cost recovery) for the 'subscription', but then a premium charge (eg £50) for the first period of registration if successful
QE10: No - The basic WLS subscription charge should assume that the subscription will fail. Make a mandatory premium charge if successful.
QE11: yes
QE12: no -(see QE7)
QE13: no -(see QE7)
QE14: yes
QE15: can't see any, but then I'm not a lawyer. I'd expect Nominet's lawyers to tear apart anything that members want though - that seems to be their goal in life
QE16: no - DRS can apply afterwards
Paul VPOP3 - Internet Email Server/Gateway
support@pscs.co.uk <http://www.pscs.co.uk/>

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Nominet UK PAB List

R2. Nick Phillips – Individual

From: Nick Phillips [mailto:nwp@lemon-computing.com]
Sent: 08 February 2003 05:16
To: pab-feedback@nominet.org.uk
Subject: WAITLIST SUBCOMMITTEE

D1:

- * Potential new revenue for tagholders should not be considered an advantage by Nominet when considering whether to introduce such a service -- to mention it as such is ill-considered and potentially embarrassing -- and yes, I do represent a tagholder.
- * Loss of costs by tagholders who have implemented ad-hoc systems to provide a WLS should not be considered a disadvantage; the possibility that Nominet might introduce such a service should have been considered when implementing their systems. The fact that it appears that certain tagholders are not above abuse of either the WHOIS or the automaton in order to implement such hacks also points to the fact that this point should not be considered.
- * I am uneasy with the concept of a WLS in general, as in an ideal world registrants should register the best/most appropriate name (note the singular) available at the time of registration. To introduce a WLS discriminates in favour of those able to afford the cost of such services when registering a name; in effect, and for a fee, it violates FCFS. If it is decided that a WLS should be introduced, then mitigation of this effect should be the foremost consideration when choosing between various implementation options (see below).

E1:

- * If it is accepted that a WLS is consistent with the FCFS principle, then in order to maintain a semblance of FCFS and to minimise "tactical" use of the WLS, multiple ordered WLS registrations should certainly be allowed for any name.

E2:

- * As above; if a WLS is to be introduced, then in my view it is extremely important that, in order to maintain a fair allocation of names and to avoid discrimination in favour of those with deep pockets, multiple WLS registrations per name should be allowed, and on a name becoming available, the oldest of those registrations should obtain the name.
- * A lapsed and subsequently re-registered WLS entry must, on re-registration, be afforded no higher priority than would be a new entry made at that time. (i.e. when the registration lapses, it is no longer considered for any purpose).

E3:

- * A WLS registration should cover the cost of its maintenance, so would need to be renewed in a manner similar to that used for domain name registrations. An automated reminder of the upcoming need for renewal should be sent 3 months and 1 month before renewal is required, and renewal should be possible any time after the 3-month reminder has been sent.
- * A WLS registration should not be tied to the renewal of the name; in particular the ordering of WLS registrations must be maintained across renewals of the actual domain name registration.

E4:

- * 90 days might be more friendly, and would probably have no adverse effects.

E5:

- * Notification that a WLS registration has been made, with a link to any relevant information available about the WLS registrant (depends on how much is to be made available, see below).

E6:

- * Not sure what should be published beyond the number of WLS registrations for the name and the dates on which they were made (both

of which should be available -- the number of entries and dates will have to be made available to enable potential further WLS subscribers to judge whether it's worth registering), but there is a huge can of worms here.

Consider **very** carefully the possibility of speculative WLS registrations (should WLS registrations be transferable as domain names are? If not, then the registrant data for the eventual domain name registration should be **required** to be that provided for the WLS registration -- which might have interesting repercussions if WLS registrant data is made available.

Consider also the impact on the DRS of making this information available; when a registrant is deciding whether to renew, "interesting" scenarios might arise. Perhaps they have been using a domain non-abusively for some time, but are gradually using it less, and might well not continue to use it at some point during the hypothetical 2-year renewal period (although it's a fairly "cool" name that they quite like). Seeing that people are interested in the domain, they contact the second one on the WLS list and offer to sell it to them. The first person/company on the WLS list gets wind of this and sues/goes to the DRS/kicks up a fuss, alleging that the registration is abusive (after all, it looks like their new product and is being offered for sale). It then turns out that the original registrant has some beef with the first name on the DRS (maybe it's Philip Morris or BAT) and wouldn't dream of offering it for sale to them, but... Anyway, the existence of the WLS and the WLS registrant information might well prevent this person from being able to sell his domain name to the party of his choice.

In fact, the WLS registrant information is not even necessary to this scenario; perhaps he just decides to advertise the domain as being for sale on seeing the potential interest indicated by two or three anonymous WLS entries.

* A web interface would seem to be the obvious method of publication for WLS data, with a WHOIS interface available for use by tagholders offering WLS services to provide information on current WLS registrations to a potential customer.

E7:

* Absolutely and without a shadow of a doubt.

E8:

* Absolutely and without a shadow of a doubt.

E9:

* Absolutely and without a shadow of a doubt (hey, this is getting boring).

E10:

* WLS charges could not include a charge for the first period of registration, as only one (if any) of the n WLS registrants will get the name. On balance I think that the actual registration should be dealt with separately; perhaps allow the same grace period for this as is available for missed renewals of names, before offering the name to the next in the queue.

E11:

* If people are stupid or devious enough to register in .ltd.uk etc., why not let them?

E12:

* Yes; WLS registrations should be analogous to name registrations in as many ways as possible; there is no justification for them being otherwise. Put differently, if it were right for WLS registrations to be dealt with differently, what would this say about actual registrations?

E13:

* Hah. As mentioned somewhere above, this is the only area I can think of in which it might be justifiable for a WLS registration to be treated differently to an actual registration. The point being that the WLS is intended as a way of registering someone's interest in a name, and if you're trying to buy in to it later, it's because you weren't interested enough earlier. Disallowing transfers

like this would also help to dampen the effect of speculative WLS registrations, which would be a pain in the butt (and generally unfair and so on) were they to become widespread. The obvious problem with this is where a company with a WLS registration is taken over, or sells the business unit that made the registration, or whatever. In most cases they could probably prove their change was legitimate, but...

E14:

* Absolutely and without a shadow of a doubt.

E15:

* Trouble.

* More money paid to lawyers.

* More trouble.

* And so on ad nauseam.

E16:

* No, it would be applicable immediately after a WLS registrant actually acquired the name, so this would be unnecessary and a waste of money.

* No, as you probably wouldn't be publishing WLS registrant details anyway, so there is no way that any complainant could possibly know that the registration was abusive.

E17:

* Have fun.

Cheers,

Nick

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Nominet UK PAB List

R3. Sam Kington – UK2 Net

From: Sam Kington [mailto:skington@uk2.net]
Date: 09 February 2003 19:47
To: pab-feedback@nominet.org.uk
Subject: WAITLIST SUBCOMMITTEE - actual email doesn't shout

Hi,

A few thoughts on the wait list consultation paper featured at <http://www.alex.org.uk/nominet/waitlistconsultation.pdf>.

Q D.1

I think the issue of the load placed on Nominet's systems by hand-rolled WLSes deserves to be re-examined when the new whois system goes live. Given that most WLSes will merely be attempting to see whether a domain is available for registration or not, the proposed whois availability service (<http://www.nominet.org.uk/News/NewsStories/PrssConsultation/PrssWhoisAndAutomationProposals.html>) would, I expect, greatly solve the current load problem.

The introduction of a more predictable renewal / non-renewal process would also make it far easier to write a WLS - and thus reduce the load on Nominet's servers further, as if a tag holder knows that a domain *will not* be available for at least 7 days, say, they won't bother querying the whois for those next 7 days.

I think the need for a WLS run by Nominet springs from an analysis of the *current* situation, which will be changed significantly by other projects - whois availability service, positive renewal system - that are already underway. I do not think there would be a significant barrier for tag holders to implement their own WLS, which would be a classic example of a tag holder providing value-added services above and beyond what Nominet normally provide.

As such I strongly think Nominet's resources should be devoted to other matters. Even if the WLS is run on a cost-recovery basis, setting up such a system will require time from Nominet's technical department which could be spent on more urgent matters.

Q E.1

If you only allow one subscriber to monitor a given domain, you are favouring those subscribers who get in early. If subscriptions can expire, you would expect the Nominet servers to be hammered just before the subscription expires, by people seeking to replace the subscription with one in their name.

Furthermore, this model allows people with deep pockets to speculatively subscribe to a large number of domains, with the expectation of recouping their costs through a subsequent resale.

I would therefore be in favour of allowing multiple subscriptions for a domain name.

Q E.2

The earliest WLS registration should win. Otherwise, people who really want the domain will swamp the system with multiple registrations, which will both overload the system and privilege people with deep pockets (or people who *appear* to have deep pockets - I would expect a large number of chargebacks for WLS subscriptions after the domain has been allocated to someone else). Plus, there is the serious issue of an illegal lottery.

If someone wants to buy the domain off the person who manages to get it through the WLS, fine, let them. But don't let people abuse the system just because they have more resources available to them than other applicants.

Q E.3

It is far simpler, and more appropriate, for a WLS subscription to last until the domain's status has been modified in any way - i.e. renewed, cancelled, or, possibly, the owner changed. Obviously, if the domain is cancelled, the WLS subscriber can then buy it. Otherwise, the subscriber should be given the option to either drop his subscription - because circumstances have changed, and the domain is far less likely to expire soon - or renew his subscription regardless.

This would presumably have the same effect as described by the second option, the two-year term option: as people decide not to renew their subscription, those early adopters who decide to renew increase their chances of getting the domain *eventually*.

Depending on whether the list of subscribers to the WLS is public or not, the registrant of the domain could potentially, under such a system, cause people waiting on the domain to expend large amounts of money and/or time by frequently changing the legal name of the owner of the domain.

Q E.4

The grace period is sufficient; tag holders can presumably sell WLS subscriptions to the *current registrant* as a method of protecting their registration even further.

Q E.5

The registrant should be notified of a subscription request for their domain.

Q E.6

At the very least, the number of subscribers should be published, and probably their name. Assuming a WLS subscription would include the registrant details to be used if the domain is re-registered, there is a case to be made for displaying subscription data *as it would be displayed on the whois* - i.e. don't ever display email addresses or phone numbers, always show the name, and for non-individuals or individuals who haven't opted out, a snail mail address.

Obviously this information should not be available through a standard whois query, as it could get large and unwieldy, and reduce the performance of the standard whois and increase bandwidth charges for high-volume tag holders.

Q E.7, Q E.8, Q E.9

Yes, agreed.

Q E.10

The subscription fee should not cover the registration fee if multiple subscriptions are allowed, as that registration fee would have to be refunded to the registrant - or, if it was not, tag holders would be bombarded with chargeback requests.

If the successful subscriber does not pay the fee, their subscription is cancelled and the domain reallocated to the next subscriber (either a new random pick, or the second earliest subscription, depending on the model).

For clarity, the domain should be registered for 2 years, beginning on the day that the owner details are changed to reflect the new registrant. This also avoids any problems caused by people creating a large number of subscription requests that they have no intent in honouring.

Q E.11 - agreed.

Q E.12 - agreed

Q E.13

WLS subscriptions appear to be intangible assets similar to domain names -

effectively domain name futures. It follows that it should be possible for there to be a secondary market in subscriptions. So yes, agreed.

Q E.14

A subscription should be for a particular domain name. The subscriber should be able to cancel it any time, but if they want to subscribe to a different domain name, they should pay another subscription fee. Obviously this assumes that there can be multiple subscriptions per domain.

Q E.15

No comments

Q E.16

A WLS system that is set up to avoid abuses - e.g. not allow large numbers of identical subscriptions - will not need the protection of the DRS. If someone feels that they have greater rights under the DRS to a given domain than the person who is most likely to obtain the domain if it is not renewed, they can either talk to the owner of that subscription, or the current registrant. There is no need to wheel out the big guns at this stage.

Sam

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UK2.Net Senior Developer

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Nominet UK PAB List

R4. Ged Heywood – Jubilee Group

Date: Tue, 18 Feb 2003 18:45:10 +0000 (GMT)
From: Ged Haywood <ged@www2.jubileegroup.co.uk>
To: Alex Bligh <alex@nominet.org.uk>
Subject: Re: [nom-steer] Re: Wait listing service consultation

Hi Alex,

On Fri, 14 Feb 2003, Alex Bligh wrote:

> Has everyone got writer's block?

Severe case of TODO lists I'm afraid.

Comments:

1. It would have been a LOT easier in plain text.
2. I am not convinced of the need for a wait list, nor that it is appropriate for Nominet to take it upon itself to implement such a system. I don't deny that there is a problem, but there must be a solution which doesn't involve a minefield.
3. I am convinced that a wait list will create problems, quite likely more than it solves.
4. Seven days grace after a domain name registration expires is downright ridiculous. Three months would be more reasonable. Writing to the registrant about the expiration of a registration by snail- and e-mail is inadequate. I suggest the London Gazette.
5. I am uneasy with the concepts of "revenue streams" and "product" mentioned in the report.
6. In view of (5) above, I am uneasy about the entire document. Is it all about revenue generation?

73,
Ged.

PS: I now have the correspondence concerning the suspension of our tag back from my solicitor, and when I get a minute I'll forward it (if you're still interested enough to see it...:)

R5. Paul Lomax – Fibranet Services

-----Original Message-----

From: Paul Lomax [mailto:plomax@fibranet-services.co.uk]

Sent: 24 February 2003 14:51

To: pab-feedback@nominet.org.uk

Subject: WAITLIST SUBCOMMITTEE

QC1. yes

QC2. yes

QD1. Advantages: agree
Disadvantage: "such is life" ;-)

QE1. Quite definitely yes... there should be no limit to the number of WLS slots per domain name.

QE2. ...on a first come first served basis. The first WLS subscriber gets "first refusal" should the name come up for registration... and so on.

QE3. The WLS subscription should cover a period from immediately after the last registration or renewal of the particular domain name, until it is renewed, or registered by a WLS subscriber, at that point "all bets are off" and a new wait list is created for the name. Unsuccessful WLS subscribers can - if they so choose - then take out a new WLS subscription for the name.

If you get into a renewal system for the WLS, you will end up with a system as complex as the domain registration itself!

QE4. Yes

QE5. This is probably the toughest call to make out of the whole proposal. I can see big advantages in notifying a registrant that there is someone snapping at their heels for their domain name, but also the disadvantage that in the early days it may cause confusion and a further level of "work" for the Nominet system. Furthermore I think that if the WLS subscriber was informed up front that their name and email address will be supplied automatically to the current registrant, it may deter "malicious" WLS subscriptions.

On balance I am in favour of the Registrant being informed not only that there is a new WLS subscriber for their name, but also that subscribers name and email address.

QE6. The "details" of the WLS subscriber should only as an alert email to the registrant.

However, a tag-holder should be able to query the WLS to determine how many WLS subscribers there are for a particular domain name. This information can then be passed onto a potential WLS subscriber for them to make an informed decision as to whether there is any point in joining the queue.

Furthermore the response from the system to a new subscription could say something like "Successfully Subscribed to the wait list for xyz.co.uk You are Number X in the queue".

QE7. Yes

QE8. Yes

QE9. Cost Recovery? If there are 10 subscriptions in the year, do you then go back to those 10 subscribers and tell them to cough up another £10,000 each as you didn't recover the costs?

Conversely if there are 1,000,000 subscriptions in the year, do you then make arrangements to refund part of the subscription fee to all subscribers as costs have easily been covered?

Only "cost of sales" or those costs directly associated with the WLS can be recovered on a cost recovery basis. Fixed costs or overheads cannot be dealt with in this manner. I still don't understand why Nominet doesn't do what every other business in the world has done since the dawn of time and determine what the market is willing to pay for the service or product. I suppose my answer is No. Having said that my gripe is with the broader Nominet policy, so in this scenario, I have to admit that whilst I do not agree that the WLS should be on a cost recovery basis, it would make logical sense for it is charged in line with the broader Nominet policy.

QE11. Yes

QE12. No, I think that the WLS should be kept as simple as possible. No transfers.

QE13. Nightmare! As I said above, keep it simple.

QE14. The WLS subscription should be for one domain name. If they don't want it anymore they can "cancel" their WLS subscription (without refund). If they want to subscribe to the wait list for another domain they can take out a new WLS subscription for that other domain.

QE15. As noted it has to be make clear that subscribing to the WLS is effectively agreeing to the Nominet T&C for registration of the domain.

QE16. No, there is adequate provision on registration of the domain.

Further comment:

The registration of a domain by a WLS subscriber must not be automated. The tag-holder should be informed that their customer has been successful, and should then be given a period of say 7 days in which to confirm the registration. Many WLS subscribers will have either disappeared off the face of the earth or not be able to pay for the registration when the time comes, in this case the tag-holder does not want to be stuck with having to pay for the registration and it is unfair on those further down the wait list for a domain. If the registration is not confirmed within 7 days, the next one in the queue can then be given the chance to register the domain.

cheers
Paul

R6. Ben Summers – Individual

From: Ben Summers [mailto:ben@fluffy.co.uk]
Date: 27 February 2003 15:17
To: pab-feedback@nominet.org.uk
Subject: WAITLIST SUBCOMMITTEE

-----BEGIN PGP SIGNED MESSAGE-----

I'm curious as to why the suggestion below is not included in the consultation document. It seems very much like there's a huge demand for a WLS, perhaps for commercial reasons, and it's being debated how to implement it, rather than whether it's a good thing or not, and this seems such an obvious alternative that I'd be very surprised if no-one else had thought of it.

Perhaps I'm wrong here. Anyway:

C.1: Yes

C.2: Yes

D.1: No.

I do not believe that the introduction of a WLS benefits all the stakeholders. Some members and tag-holders will benefit, as will the IPR community. However, the registrants will not benefit -- encouraging domain name speculation is not a benefit to the internet community.

Domain name speculation and resale puts large portions of the namespace out of use. How is this a good thing?

I see the motivations for Nominet to introduce this scheme to reduce load and abuse of their automated systems. However, I have an alternative suggestion to achieve this without a WLS.

If an attempted registration is received for a domain which is not currently available, extend the grace period before the domain is returned to the pool from the current 60 days to 90 days. If the attempted registration is made within this "extra time" then extend the grace period to 30 days from the time of the attempt.

If large numbers of whois requests are received from a particular IP address, then apply the above rule to all domains for which whois requests are made. As well as blocking that IP address.

This means abuse is pointless, which should stop the practise as there would be no commercial reason to do this. It also provides protection to existing registrants.

The only problem might be permanently taking a domain from the pool. However, this may be no worse than the current system -- a WLS-ed name is most likely going to be up for sale anyway.

A company which loses revenue as a result of this has no right to complain; it has been abusing the system for it's own profit. Nominet is supposed to run things for the good of the community.

It does not solve the abuse from mining the whois data for contact information, but then, neither does a WLS.

My answers to other questions are probably going to be ignored, geared as they are to making the WLS service as painful as possible for it's users.

E.1 Yes.

E.2 Choose a tag-holder randomly, then choose a WLS subscription held by that tag-holder randomly, weighted so that newer registrations take precedence over older registrations.

E.3 1 month. Don't bother with renewal.

E.4 No. It needs to be extended, especially given the state of the contact information.

E.5 Publish full details of all subscribers in whois.

E.7 Yes.

E.8 No. Don't burden Nominet. Go through a tagholder.

E.9 No. Set charges on a penalty basis, at a level which discourages use for a large number of domains.

E.10. Yes. Renew every month. Make it as painful as possible for the customer and tag-holder.

E.11. Yes. (If you must have one)

E.12. No tag changes.

E.13. No transfer of subscription.

E.14. Yes.

E.15. I'm not a lawyer.

E.16. No.

Ben

-----BEGIN PGP SIGNATURE-----

Version: PGPfreeware 7.0.3 for non-commercial use <<http://www.pgp.com>>

iQCVAwUBP14r97LqTUD2zoafAQFeHQp/WsDvTAqwr+HLU9i5ZC9rhRPAAd/hlvGfI
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R7. Heather Croft – Individual

From: Heather Croft [mailto:HeatherC@Keltie.com]
Sent: 27 February 2003 16:55
Date: pab-feedback@nominet.org.uk
Subject: waiting list for detagged names

Dear Sirs

Whilst this is a laudable idea to ensure that dormant domain names are put to good use, being in the profession that I am in, I am concerned that any trade mark related domain names could be lost to unentitled parties through such waiting lists and that trade mark owners would then have to go through costly and uncertain dispute policies.

In this regard, if a waiting list were to come about, I feel that some kind of precedence system, like with the sunrise periods applied to the opening of the .info and .biz levels, should be applied to favour the owner of an identical or near identical trade mark.

There will obviously be many names for which no trade marks exist and never could as they are too descriptive (i.e. shopping). Therefore, this rule could not be applied across the board to a waiting list but could be that IF you have an identical trade mark to a detagged name and you enter yourself on the waiting list, the name should be allocated to the first trade mark owner who makes himself known and enters himself on the list, thus applying the 'first come, first served' principle.

This then takes account of the fact that often more than one party has a trade mark that may entitle them to a name but it avoids the need for a trade mark owner to try and obtain the name from a cybersquatter through inflated prices or an unpredictable dispute policy.

Cybersquatters and speculators have become used to sunrise period ideas and therefore, I see no reason why such a policy could not apply to a waiting list.

Yours faithfully,

--

Nominet UK PAB List

R8. Simon Barker – Individual

From: Simon Barker [mailto:simonpbarker@btinternet.com]
Date: 27 February 2003 20:38
To: pab-feedback@nominet.org.uk
Subject: WAITLIST SUBCOMMITTEE Nominet Wait Listing Services

Re: Nominet Wait Listing Services - A PAB Consultation,

I am writing as a UK internet user, not on behalf of any particular organisation. Having read your consultation paper, I have the following comments on the questions put.

QC.1. I cannot think of any other stakeholder groups.

QC.2. I think the process is sufficient, provided that enough stakeholders are aware of it before the closing date.

QD.1. From the point of view of a potential domain purchaser, the most obvious disadvantage is the possibility of paying for a WLS subscription without ever obtaining the domain.

QE.1. I see no problem with more than one subscription, provided that the system is appropriate. A limit of one subscription could allow "WLS hijacking" in the same manner as traditional "domain hijacking", where someone speculatively takes out a WLS to prevent another from getting it.

QE.2. I would prefer a first-come-first-served arrangement, where the first registrant is given the first opportunity to purchase the domain. If they do not do so within a reasonable period, they lose the right and it transfers to the next in line.

A lottery system would encourage people to make multiple WLS subscriptions with different providers to increase their chances. It would also allow people the opportunity to grab domains if they know that other people are interested in them ("WLS hijacking" again).

QE.3. I would make the subscriptions as long as possible, given the commercial cost of maintaining the list. WLS registrants should be given the opportunity to renew without losing their place in the list.

QE.4. I think the periods are reasonable. If a current domain holder does not notice for 53 days that their domain has been suspended, then they are probably not using it.

QE.5. I see no need for any system above the normal domain renewal reminders.

QE.6. If you decide to implement a queueing system, then the only information needed is the number of people already in the queue. If desired, a system could be put into place for an interested party to contact someone higher in the list, via Nominet or another trusted third party (i.e. no personal information would be given to the inquirer). If you decide on a lottery system, then I think that no information should be given, for the reasons given for QE.2 above.

QE.7. I have no particular opinion.

QE.8. I have no particular opinion.

QE.9. It would be preferable not to charge at all, given that there is no guarantee of ever receiving the domain, but I cannot see any viable alternative. Given this, charging at cost seems reasonable.

QE.10. I have no particular opinion.

QE.11. Yes.

QE.12. I have no particular opinion.

QE.13. Yes.

QE.14. I see no particular problem in allowing a WLS registrant to change to a different domain if it becomes clear that their original preference will not become available. If a queueing system is used, the registrant should go to the back of the queue for the new domain requested.

QE.15. I have no particular opinion.

QE.16. I have no particular opinion.

Yours,
Dr. S P Barker

R9. Sebastien Lahtinen – NetConnex Ltd

Date: Fri, 28 Feb 2003 02:03:03 +0000 (GMT)
From: Sebastien Lahtinen <seb-nominet@ncx.net.uk>
To: pab-feedback@nominet.org.uk
Subject: WAITLIST SUBCOMMITTEE

This is a consultation response with respect to the Waiting List Consultation proposal paper as set out at:
<http://www.nominet.org.uk/Pab/PabConsultationPapers/WaitListingServiceConsultation/WaitListingServicePaper.html>

> Q C.1 Do respondents agree that the identification of stakeholder
> groups is accurate and complete?

It is very difficult to have a "complete" list of stakeholders as the identification process should be dynamic and iterative. These are the obvious stakeholder groups. Aggregate groups ("the UK internet community", etc.) are also possible stakeholders.

Also worthy of note is that not all future registrants are necessarily potential WLS users.

> Q C.2 Do respondents agree that the subcommittee's intended consultation
> process is sufficient, or should the PAB recommend a different process?

There are general problems with the number of responses in the current consultation problems. I cannot see any additional specific inadequacies with this one. This issue should be addresses separately.

> Q D.1 Do respondents agree with the subcommittee's summary of the
> advantages and disadvantages of a WLS? How do respondents weigh these
> against each-other? Is introduction of a WLS, in some form, a good
> policy principle?

The advantages and disadvantages are valid but conflicting. The proposal does not adequately examine alternative ways to deal with the problem (technical load placed on Nominet's systems) that was the initial reason for the initiation of this process.

I do not believe that an adequate case has been made for a WLS. I do not believe that IPR holders would benefit. I would go as far as suggesting that they would be disadvantaged (see DRS answer below).

> Q E.1 Do respondents support the idea that more than one WLS
> subscription should be allowed per domain name?

This is a difficult question I cannot answer at this time.

> Q E.2 If respondents support the idea that more than one WLS
> subscription should be allowed per domain name, what mechanism should be
> used to allocated expired domain names amongst multiple WLS subscribers?

Not applicable.

> Q E.3 What period do respondents feel a WLS subscription should cover?
> What arrangements, if any, should be put in place for WLS subscription
> renewal, as opposed to simple resubscription?

Under no circumstances longer than two years.

> Q E.4 Is the grace period within the new renewals scheme sufficient in
> light of WLS proposals?

There is relatively little cost in extending a grace period to 90-120 days yet the potential gain is significant. Longer than this would defeat the point of adding domains back to the pool which is a current problem.

> Q E.5 What measures should Nominet take in relation to notification of
> registrants when a WLS subscription is made in relation to a domain
> name?

This would make many of the WLS subscriptions useless as any warehouse would be aware that there is demand for the name and this may instigate them to renew a name they would otherwise not renew.

> Q E.6 What data on WLS subscribers should be published, and how?

If a random system of selection of a WLS winner (the new registrant) exists, no information on the identity, date or number of WLS subscribers to a particular domain name can be released as this might drive others to register for the name and affect the probability of winning the name.

If information is published in any case, this may introduce unnecessary legal complications and requirement for DRS services where no current requirement exists on what domains *might* be registered.

> Q E.7 Do respondents support the sub-committee.s working assumption
> that contractually, the WLS service should mirror the registration
> service, i.e. that WLS subscriptions should be made in the name of the
> end customer?

I strongly support this recommendation.

> Q E.8 Should the similar arrangements for direct and indirect WLS
> subscriptions apply?

The WLS subscription structure should mirror the arrangements for new registrations. (i.e. In the current structure, an application should be possible to be made via both Nominet directly or via a tagholder)

> Q E.9 Do respondents agree with the subcommittee.s working assumption
> that charges for WLS should be set on a cost recovery basis?

Not necessarily. Too low a price will encourage abusive use of this service. This needs to be investigated in a wider context and in respect of any legal issues.

> Q E.10 Should WLS charges include a charge for the first period of
> registration?

I do not believe whether the registration is included in the charge is a significant policy issue at this time.

> Q E.11 Do respondents agree with the subcommittee.s working assumption
> that at least initially, a WLS should be limited to co.uk, org.uk, and
> me.uk?

Yes

> Q E.12 Do respondents agree with the subcommittee.s working assumption
> that tag-changes on WLS subscriptions should be handled in a similar

> manner to tag-changes on registrations?

Yes, including any changes to future procedures on tag changes.

> Q E.13 Do respondents agree with the subcommittee's working assumption
> that transfer of WLS subscriptions should be handled in a similar manner
> to transfer of registrations?

Although some transfers within groups may be a requirement, I do not support the concept that such a "reservation" should become a commodity in its own right.

> Q E.14 Do respondents agree with the subcommittee's working assumption
> that that WLS subscriptions should relate to a particular domain name,
> which cannot be changed during the period of that WLS subscription?

Yes.

> Q E.15 What do respondents see as the key legal and IPR ramifications
> of a WLS?

I do not see significant benefits to the IPR community from a Nominet operated WLS service unless the IPR owners had priority which breaches the FCFS principle.

> Q E.16 Do respondents believe that the DRS should be applicable to WLS
> subscriptions?

The problem with the DRS is that it does not necessarily protect those who do not have IP Rights to marks who may have a domain so any application would only be partially successful (this is a failure in the DRS itself)

Also, it should be noted that where a DRS panel rules that the domain registration should be cancelled, then a WLS subscriber could become the new registrant thereby making DRS challenges more complicated.

It would be unfair to expect a WLS subscriber to be bound by a DRS decision to which they weren't a party to so a new request must be made. In this case, it would complicate the process.

Domain names are pointed to web sites but they have become a commodity because of their close relationship to trademarks. Establishing a 'reservation' service which can be traded further commoditises domain names which is not necessarily beneficial to the UK Internet community as a whole.

If the only policy justification for a WLS service is to resolve a technical problem, then alternatives should be examined to this such modifying the whois service to have different rate limits for "is this domain available?" and "who owns this domain?" queries (although both should be strictly limited to varying degrees). Automaton abuse can be dealt with using technical restrictions.

Although there are limited advantages, I am not yet convinced of the need for a WLS and introducing one would cause many problems which we do not yet have answers for. I am open to persuasion and look forward to reading other submissions.

Regards,

Sebastien Lahtinen

NetConnex Ltd.

NetConnex Ltd.

tel. +44 870 745 4830 fax. +44 870 745 4831

Court Farm Lodge, 1 Eastway, Epsom, Surrey, KT19 8SG. United Kingdom.

R10. Alex Kells – Frontier Internet

From: + Hostmaster Team [mailto:naming@ftech.net]
Sent: 03 March 2003 17:23
To: pab-feedback@nominet.org.uk
Cc: + Hostmaster Team
Subject: WAITLIST SUBCOMMITTEE

Having read through the proposal it seems like an administrative nightmare, that would be time-consuming and expensive to implement without bringing any tangible benefits to Registrants. The VGRS WLS service proposals have proved almost universally unpopular, and not only because of the proposed costs. The whole idea of a Waiting List Service smacks of vapourware. At best it will be seen as a form of almost compulsory insurance - if you don't take out the WLS on your domain someone else will...

Verisign's original solution of advertising the drop times and having a secondary automaton purely for these speculative registrations seems to be the better option - easier, quicker, and cheaper to implement.

I believe Nominet would make better use of their resources by implementing the new renewals procedure and clearing the current back log of detagged domains - and thus most of the problems that the WLS seeks to address would cease to be issues.

--

Alex Kells, Senior Hostmaster & Customer Services Manager
Frontier Internet Services Ltd <http://www.frontier.net.uk>
Tel: 029 2082 0073 Fax: 029 2082 0035
Statements made are at all times subject to Frontier's Terms
and Conditions of Business, which are available upon request.

R11. Jonathon Berry – Individual

From: JBerry in opera [mailto:jberry@islandnet.com]
Sent: 27 February 2003 19:51
To: pab-feedback@nominet.org.uk
Subject: WAITLIST SUBCOMMITTEE

Here's an idea: auction off the expired domain names.

put up a block (tens of thousands) of available names for a 24-hour auction;
minimum accepted bid is cost recovery; maximum bid is 100;
only members may bid (to the public they become Domain Name Brokers);
bids are submitted encrypted;
after bidding is closed, all members reveal PGP key;
if the bid is 99 or less, highest bidder wins;
if the bids are tied, the earlier received bid wins;
if two bids of 100 are received, a runoff auction is held; its rules might
be different.

Maybe have a ??% commission to members who have a winning bid in the runoff
auction.

Good luck. (as seen in The Register).

--

cheers

Jonathan Berry in opera <http://www.islandnet.com/~jberry/>

R12. Ronald Duncan – ukplc

From: Ronald Duncan Private <r@ukplc.net>
To: "'pab-feedback@nominet.org.uk'" <pab-feedback@nominet.org.uk>
Subject: Waitlist service
Date: Tue, 4 Mar 2003 14:58:14 -0000

QC 1

Yes the stakeholder groups are accurate and complete

QC 2 The subcommittee process is sufficient

QD 1

a I agree with the advantages and disadvantages set out. However I would point out that all tag holders with automated systems are capable of providing a WLS service and the fact the system still exists is because the majority of tagholders regard this as abuse of the system and immoral.

b I agree with the advantages. I believe the disadvantage as stated is not a disadvantage but a clear improvement since the majority of tagholders have abstained from overloading the system in this way and the tagholders providing this service are reducing the overall efficiency of the system which is jointly owned.

c Introduction of WLS is a good policy principle since it removes some of the problem.

Other comments

The massive number of detagged registrations is a much larger problem and needs to be resolved quickly a WLS service would provide some way of assigning these domain names and would help defray the costs of public advertising that the domains will all be released by a certain date and that in the future there will be a maximum of 30 days grace for detagged domains.

Nominet manually chasing 750,000 registrants with inadequate details is a huge waste of resources especially as by definition the domain names are unused. It is also unfair on companies and individuals that desire to use these names.

QE 1 I think that more than one WLS subscriber should be allowed per domain

QE 2

I disagree with the random option since this is in effect a potentially illegal lottery. I think there are three options for a not for profit body :-

Only one subscriber allowed (subscription includes registration fee)

or

Auction if more than one subscriber and domain name is sold to highest bidder

or

IP Contest option where domain name is transferred to the trademark holder.

Nominet is currently at risk of challenge since it controls 750,000 domain names that are bound to have some IP conflicts (I have already put one to DRS because it uses the trademark of a sport).

QE 3

WLS should cover the next renewal.

WLS should be renewable if not successful

QE 4

The grace period in the new renewals is sufficient. Since it is unlikely that some one actively using a name would fail to notice 60 days with no service.

I hope once this comes into force the 750,000 will expire 60 days later and cease to be a problem. Ideally the WLS should be operational before this

point.

QE 5

Registrants should be notified of interest in their domain name, but only by email at the time of WLS subscription. This should be by email if possible otherwise in the paper documents send out as part of the renewal process for those with out email.

QE 6

The same information about WLS subscribers should be published as about registrants in WHOIS. This information should be added to the WHOIS for a domain.

QE7

YES

QE8

YES

QE 9

YES

QE 10

The charge should be the same as the current domain name price and last for the same period 2 years. If a domain name is registered as a result of a WLS then its new expiry date is the WLS expiry date.

QE 11

It should apply to all Nominet domains. It may only be used in the Open ones but it should be available for the closed ones.

QE 12

Yes

QE 13

YES

QE 14

YES

QE 15 Legal and IPR

It is best if the WLS subscription covers the domain name registration and the WLS subscriber agrees to the terms and conditions.

Nominet should run an auction in the case of multiple subscriptions as a fair way of assigning the domain name to the most interested party and thus most likely party to use and maintain the domain name in the future. This is procedure is used by DVLA for the issue of memorable number plates, and the police for lost property. Companies House do not have a comparable procedure for the return of dissolved companies however company names that are too similar are subject to challenge unlike domain names.

IPR owners should be afforded some priority in the WLS service provided they can show a valid trademark. This could be catered for by a higher fee to cover the costs of trademark verification. Otherwise there may be some potential for a trademark owner to sue nominet for handing their trademark to another applicant after the trademark owner gave notice of the infringement, but was unable to get resolution through the disputes service or courts perhaps because the registrant could not be found. Or the £ 750 dispute fee was regarded as more costly than waiting for the name to expire.

QE 16

DRS is not applicable to WLS however it would come into play as soon as their was a change of registrant.

IPR holders should have some protection under WLS and should not be subject to auctions, random draws or first come first served. The first trademark holder to register a WLS should get the domain name if it is returned to the pool.

OVERALL

WLS should be introduced as quickly as possible. The current system encourages abuse of the system. 'Abuse' is the term most widely used for the practice of sending automated applications in the knowledge that the majority will be rejected. This is a very simple process for any TAG holder that has got an automated system. You just change the code that reads the response to reapply if rejected a 5 minute job. Nominets systems would not survive if this became the standard practice.

There are two options one subscriber per domain or multiple subscribers and a means of determining allocations.

I think there should be one IPR owner allowed to subscribe in the case of conflicts. e.g. As a trademark owner we server a Cease and Desist order on a dormant domain name and sue if it goes live. We get costs this way as opposed to the DRS which costs £ 750. However trademark owners would be prepared to pay a higher fee for the trademark to be validated to get priority on the WLS.

Where there is no clear cut owner of the Name I believe that in the case of multiple subscribers the name should be sold by auction to the WLS subscribers by Nominet with the proceeds going towards the running of Nominet. This is acceptable since Nominet is a not for profit body it would not be acceptable for a body like Verisign. I would be very happy if this occurred for the interNIC domains however the funds would need to go towards IETF or perhaps ICANN.

--

Regards -- Ronald.Duncan@ukplc.net
Tel +44 0118 963 7000 Fax 0118 963 7350
Web <http://www.ukplc.net> Business Directory and Marketplace

R13. Peter J Biernat – Individual

From: PeterJBiernat@aol.com [mailto:PeterJBiernat@aol.com]

Date: 05 March 2003 15:53

To: pab-feedback@nominet.org.uk

Subject: ref: domain pre-registration.

To pre-register .co.uk names is a good idea in principal, But!!.

You would hand another tool to Domain Buying companies, and make Joe Public totally unable to buy good Domain Names when they drop.

As it is, most "Drop-Catchers" already run Domain watching Services, in that they will monitor, and buy domain names for their clients. But who gets the really good suspended names, THEY DO, FOR THEMSELVES. you just try and pre-register "WATER.CO.UK", they have already pre-booked for THEMSELVES. The really unscrupulous ones will take money from several prospective clients, never telling them they have no chance in hell of getting the domain, because they will get it for themselves. As it is, because these companies scan your whois every 5 minutes, Joe Public has very, very, little chance as it is. So much for first-come, first served.

The only way pre-registration to work for Nominet, is for Nominet to offer a first-come pre-registration service, at a nominal fee, BUT TO EXCLUDE these speculative companies from being involved.

Otherwise, you are handing yet another tool for these companies, and they will monopolize the suspended and de-tagged domain name market, (mainly for themselves!).

Yours sincerely,

Peter

R14. Terence Gethin – Easily

From: "Terence Gethin" <terence@easily.co.uk>
To: <alex@nominet.org.uk>
Subject: WAITLIST SUBCOMMITTEE
Date: Fri, 7 Mar 2003 15:15:13 -0000

Dear Alex,

On behalf of Easily, I would like to comment on the Wait Listing Services consultation document. We support the creation of a wait list service. Based on queries and requests that we receive from customers, I believe it would be a popular service and of genuine value to potential domain registrants.

The consultation document appears to be very thorough and raises most of the relevant issues. But there is one additional point I would like to suggest for consideration. There may be circumstances where someone wishes to monitor a domain, as well as, or possibly instead of, wishing to register it. To make sure that the wait list service is successful in avoiding continued whois abuse, it may be worth designing the service in such a way that a wait list subscriber is automatically informed by email of any changes to the status of a domain, such as renewal, tag transfer, change of contact details or change of ownership.

Our replies to the questions in the document appear below.

Regards,

Terence Gethin
EASILY LTD

~~~~~

C.1 Yes.

C.2 We believe it is sufficient.

D.1 Yes (to all).

E.1 On balance, it is probably better for more than one subscription to be allowed per domain, although in this situation it would be important for potential subscribers to know that they would not be first in the queue. This may raise some issues, but if only one subscription is allowed it could result in people bombarding the wait list service just as they currently bombard the whois. We don't want to end up debating a wait list for the wait list!

E.2 First-come-first-served would seem the most appropriate. Random allocation would indeed raise legal issues related to lotteries, and unless the service was free of charge, Nominet would probably find themselves facing the same issues that NeuLevel did with .biz.

E.3 A fixed-period subscription, probably 2 years, would be best, with a positive renewal method as suggested. An indefinite subscription is likely to lead to subscriptions continuing long after the subscriber has lost interest. Whatever method is chosen, it is important to give subscribers the opportunity to renew their subscriptions and retain their place in the queue.

E.4 Yes.

E.7 Yes.

E.8 Yes.

E.9 Yes.

E.10 Making wait list subscribers pay in advance for registrations they

may never get could discourage people from using the service as an alternative to whois abuse. There could also be complaints about a service where subscribers would be uncertain about what they would actually get for their money. An alternative would be to regard the subscriber as buying an option to register. If a wait-listed domain becomes available through cancellation or non-renewal, the subscriber would be informed and given first option to register the domain over a given period, say one month. If the option is not exercised the domain would be made freely available, or in the case of multiple wait list subscriptions, the option to register could be offered to the next subscriber in the queue.

E.11 Yes.

E.12 Yes.

E.13 Yes.

E.14 Yes.

E.16 No. It is difficult to see how wait list subscription in itself provides any opportunity for infringement at the time of subscription, and when (and if) the subscriber eventually registers the domain, it is quite possible that circumstances could have changed so that any arguments submitted at the time of subscription are no longer valid.

## R15. Sanjit Bhular – EuroMTS Ltd

**From:** Sanjit Bhular [mailto:bhular\_sanjit@euromts-ltd.com]  
**Date:** 04 March 2003 15:19  
**To:** pab-feedback@nominet.org.uk  
**Subject:** WAITLIST SUBCOMMITTEE.

Hi,

Just a thought provided "as is". We are EuroMTS Ltd and somebody else holds the euromts.co.uk domain which was until recently detagged. There are no services associated with it.

Would it not make more sense to operate a waitlist for domains that have obvious connotations for a company e.g. EuroMTS Ltd for euromts.co.uk. If two similiar named companies are on the waitlist for the same domain and both have a reasonable case for that domain then priority could be awarded on whatever company was first registered at Companies House.

For domains like taste.co.uk or house.co.uk which are generic names but are used by companies with services in that field there should be no waitlist.

Regards,

Sanjit Bhular.

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Sanjit Bhular

Technical Analyst

EuroMTS Limited

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## R16. Clive Billenness – Tockwith with Wilstrop Parish Council

**From:** Webmaster - Tockwith with Wilstrop Parish Council  
[mailto:admin@tockwith.gov.uk]  
**Date:** 08 March 2003 08:56  
**To:** pab-feedback@nominet.org.uk  
**Subject:** Comments

This is a general comment about wait-listing issues.

Irrespective of any mechanism to create a wait-listing service, the fundamental failure of Nominet to robustly address the issue of detagged registrations in respect of which no current registration fee has been paid, by preventing them being offered for re-registration without undue delay, is causing major harm to the entire domain registration process and, by failing to secure new registration fees at the earliest reasonable moment, is causing a loss of revenue and consequently an increase in costs to all other registrants.

Nominet enjoys a monopoly position over the registration of UK domains and yet fails to maximise its revenue opportunities by holding expired registrations in a limbo for long periods of time. This has a dual deleterious effect on UK organisations:

1. It increases unit costs by failing to maximise income streams available from the prompt release of expired registrations
2. It hampers enterprise by preventing organisations obtaining domain names which would assist their developments even where no other organisation has paid a current registration fee and thus has no claim to that domain name

Neither of these consequences are in the public interest and may lead to a call for HM Government to abolish Nominet's monopoly. There is an argument that the OGC would provide a more effective mechanism for the administration of registrations.

Given the current government initiatives on e-administration, it is totally incomprehensible that Nominet does not require domain registrants to supply and maintain an up-to-date e-mail address for correspondence and thus establish a permanent, unambiguous means of contacting registrants. There is no other area of business administration where following the expiry of a period of contract one of the original parties remains able to frustrate the creation of a new contract with a third party despite the one of the terms of contract setting out unequivocally the timescales for loss of contractual rights.

It is important that at the earliest possible moment, Nominet reviews its procedures and controls relating to de-tagged registrations where the period of registration and period for a which a fee is payable have expired. It is suggested that Nominet's conditions of registration are amended with the effect that:

1. All registrations are for a fixed period and will expire at midnight on the last day of the period for which a fee has been paid
2. It is the duty of all registrants to maintain their own records of date of expiry of registration and to pay all renewal fees before the expiry of the period of registration
3. It is the duty of all registrants to provide Nominet with and maintain an electronic contact address for correspondence regarding fees. Nominet shall only use this contact address for correspondence.
4. Whilst Nominet shall use its best endeavours to advise registrants of impending expiries of registrations, it shall be under no contractual obligation to do so.
5. Nominet shall be entitled to release for re-registration without further notice any domain name which has not been renewed within 7

calendar days of the expiry of the previous registration

6. In the discharge of its duty as the trustee of all UK domain registrations, Nominet shall release for re-registration all domain names for which no registration fee has been received by not later than the 28th calendar day after a domain registration has fallen due for renewal in the event that no re-registration fee is received by Nominet.

Submitted for consideration as part of the wait-listing debate.

Clive Billenness  
Deputy Chairman  
Tockwith with Wilstrop Parish Council

## R17. David Thurgate - Nameshop

**From:** uranus [mailto:webmaster@uranus.co.uk]

**Date:** 11 March 2003 11:46

**To:** pab-feedback@nominet.org.uk

**Subject:** WAITLIST SUBCOMMITTEE

Q C.1 Do respondents agree that the identification of stakeholder groups is accurate and complete?

[n.b. in our replies anything in double quotes "" is taken from Nominet publications]

One stakeholder group that probably should be addressed as a group in its own right is the 40 PRSS subscribers. To Name-Shop's certain knowledge at least two, and probably three, businesses have subscribed to (and paid for, let's not forget) PRSS with a view to offering something along the lines of a WLS, or a WLS-like product. No doubt there are others, Snapnames in the U.S. has served as an attractive business model. According to Nominet : "The Public Register Subscription Service (PRSS) is a service offered by Nominet, under contract and on a cost recovery basis, where subscribers can download a weekly copy of the register database for the purposes of domain name watching and searching." In our view Nominet must admit that going from "domain name watching and searching" to offering a WLS, or a WLS-like product, is a not a progression that Nominet has ever forbidden, and indeed it is within the Nominet spirit of allowing new business models that third-party could offer services using information derived from PRSS subscriptions, subject to the terms and conditions that they agreed to at the time. Name-Shop, incidentally, is not one of these businesses, nor does it have any links with them, nor has it ever been a PRSS subscriber. These businesses may or may not be involved in the so-called 'abuse' of Nominet's whois and other systems. Some at least have operated within such technical parameters as they have been able to obtain from Nominet. Nominet should treat those who may have invested substantial amounts of time and money in 'unofficial' WLS WLS-like products (which we can call 'third-party WLS', as opposed to a Nominet WLS) as stakeholders in the process; if they do not, it may lead to conflict between those services and Nominet's own WLS if and when implemented.

Q C.2 Do respondents agree that the subcommittee's intended consultation process is sufficient, or should the PAB recommend a different process?

The consultation process suggested is in our view based on a flawed premise, namely that a Nominet WLS is the only appropriate counter-measure to the supposed problem of server/whois abuse. This premise seems to arise from the December 2002 PAB meeting, where it was "agreed that a W-L-S was the best prevention of WHOIS and automaton abuse." Our view would be that the PAB has perhaps jumped to a conclusion without adequate consideration in this case (see also the next response). In our view the PAB should at this stage be recommending a wider process of :

1. establishing the true nature and scale of the problem (or at least discussing it openly with the membership)
2. considering openly what factors, including current and previous Nominet policies, may have contributed to the situation
3. inviting discussion of a range of solutions which may or may not include the establishment of a Nominet WLS:

1. Establishing the true nature and scale of the supposed 'abuse' problem: The issues prompting Nominet to consider running a WLS are claimed to be as follows:

- i. 'Abuse' of whois (presumed though not clearly stated to be such heavy use as renders the service unavailable to the majority of users)
- ii. 'Abuse' of PRSS (not publicly defined at all)



What constitutes abuse of these services should be at least as tightly defined as what constitutes an abusive registration before Nominet can have a good or meaningful policy. This is not the case at the moment. If these activities merely are 'annoying' Nominet staff, or upsetting someone's sense of what is fair play, or causing the servers to be 'heavily loaded', etc., then this is not abuse.

Similarly, it is not right for Nominet to monitor their services for "unusual activity levels" or "suspected abuse" - activity is either within stated limits or it is not. Whether the activity is usual or unusual is not for Nominet to be concerned about. Nominet staff's judgement of what constitutes abuse will inevitably be very coloured by their notions of conventional ISP behaviour - but many Nominet members are not ISPs and may have new business models.

Nominet are on record (last September's CoM meeting) as saying:

"Public Register Subscription Service (PRSS): It has become apparent that the PRSS is being used, and in some circumstances misused, for purposes for which it was not initially intended. The CoM agreed to put all existing subscribers "on notice" that the current service will terminate and the contract and requirements be fundamentally reviewed by early 2003. The service will be closed to new subscribers until this is done. The PAB will be asked to review the scope and role of the PRSS."

This review of the scope and the role of the PRSS in our view should be completed, and subject to scrutiny by stakeholder groups in the same way as the current topic of the WLS before the WLS itself can be adequately assessed.

Should Nominet find that its whois / database services are in very heavy demand, it is just as plausible to suggest that Nominet should increase the capacity of the services, as it is to suggest that 'abuse' is taking place.

2. Considering what factors, including current and previous Nominet policies, which may have contributed to the situation:

Possible inadequate management of the PRSS service: This includes the withdrawal of the previous PRSS service, due to the supposed but not publicly substantiated actions of a minority of subscribers, possibly (or not) leading to some former subscribers to start 'data mining' to keep their own databases up-to-date. If Nominet ever had a 'duty' as a not-for-profit registry to release this data, when and why did this change? This also includes what one might call Nominet's failure to sufficiently publicise the previous PRSS service! Name-Shop are aware of at least one allegedly successful attempt to 'reverse-engineer' the Nominet database with 'mined' data, presumably in ignorance of the previous PRSS service, if true this feat must have used considerable resources.

Possible inadequate management of the backlog of "DETAGGED" domain names: There is a very large number of names that are listed as "DETAGGED" and have been for many months or even years. The obvious conclusion is that the domains are now no longer required by the original registrants, and should be available, however Nominet's policy of excessive caution in returning these domain names to the pool combined with attempts at 'randomising' the release of lapsed names (presumably to maintain the illusion of a FCFS registry by making life difficult for a third-party WLS) has meant that the would be new registrants has no alternative but to repeatedly apply to register the domain name ad infinitum. In fact, recent experience has shown that the level of randomisation has never been sufficient to be effective anyway, and lapsed names of any re-sale value are almost invariably registered to a very small group of PRSS subscribers and others who may be intending to offer a third-party WLS.

3. Inviting discussion of actions likely to reduce the problem:

There might be other ways for Nominet to provide the end-users with better security of tenure. As Alex's document says: "It is assumed by the subcommittee that no WLS would be implemented prior to the implementation

of the proposed positive renewals scheme", and we would say that this is indeed the only logical way to proceed. It may be that the proposed positive renewals scheme in fact reduces demand for lapsed names (as evinced by loading on Nominet servers anyway) to the point where Nominet will not need to offer a WLS.

However, in our view the proposed positive renewals scheme is unlikely to succeed in this aim, but that other changes to Nominet's registration and renewal procedures would be very likely to considerably reduce server 'abuse', to the extent that a WLS might become redundant. These other changes include:

- An annual renewal option (easier to remember for the registrant, can be set up as standing order)
- Direct debit payment option (for annual, two-yearly or any other renewal period)
- Long-term renewals (five or ten year terms paid in advance)

It seems very likely that any of these options, if disclosed via "whois" or automaton output alongside the renewal date, or in the case of the last option as shown by the renewal date itself, could dramatically reduce the number of speculative registration attempts.

Q D.1 Do respondents agree with the subcommittee's summary of the advantages and disadvantages of a WLS? How do respondents weigh these against each-other? Is introduction of a WLS, in some form, a good policy principle?

Our view is that the introduction of a Nominet WLS is not a good policy principle at this time for the reasons stated above.

Amongst the supposed advantages of a Nominet WLS, the idea that it might provide a "potential new revenue for tag-holder" should be in our view treated with some caution. So might the introduction a vast array of overlapping and spurious SLDs, but the fact that it might provide revenue for tag-holders doesn't make this a good idea, and providing revenue for tag-holders is only something that Nominet should be doing if it also happens to coincide with good management of the namespace.

The disadvantages of a WLS mostly revolve around the fact that it will not necessarily solve the claimed problem - this is the more so because the problem has not been well enough defined or quantified, as stated above.

Q E.1 Do respondents support the idea that more than one WLS subscription should be allowed per domain name?

[ Generally, (and this applies to some extent to all the questions on section E) it is not in our view appropriate to be considering the implementation of a Nominet WLS in such detail when the need for such a service has not been clearly established and where other simpler measures could be taken or are pending, therefore the advantages and disadvantages cannot be meaningfully assessed at this time. ]

In a word, no. In our view no mechanism will be seen as adequate or fair for choosing between multiple WLS subscription on any one domain name (see next question), and if the subscriptions are purely sequential it would probably be argued that Nominet were selling a valueless product, as the chances of the domain name ever ending up with second subscriber would be so small.

Q E.2 If respondents support the idea that more than one WLS subscription should be allowed per domain name, what mechanism should be used to allocated expired domain names amongst multiple WLS subscribers?

In our view no "random" mechanism will be perceived as fair, or worthwhile

for the subscriber (with a domain name in great demand, provide a real-time indication of the number of other subscriptions at the time of application could be a major headache for any random system). An auction arrangement would be both fair and would generate funds for Nominet which could contribute to the overheads, but perhaps it would be simpler for Nominet not to offer multiple subscriptions anyway.

Q E.3 What period do respondents feel a WLS subscription should cover? What arrangements, if any, should be put in place for WLS subscription renewal, as opposed to simple resubscription?

What most people would want would be a WLS subscription that expired (with an option to renew for another year / two years) as soon as the domain itself was positively renewed.

Q E.4 Is the grace period within the new renewals scheme sufficient in light of WLS proposals?

If the grace period and associated procedure are adequate for an ordinary renewal, they should be adequate in the case where a domain name is wait-listed.

Q E.5 What measures should Nominet take in relation to notification of registrants when a WLS subscription is made in relation to a domain name?

I'm tempted to ask if can Nominet actually take any more measures than it actually does when a domain name expires, these measures already seem excessive and expensive. On the other hand, a simple automated notification by e-mail would seem to be so easy and simple to do that not to send it would seem negligent. In all probability it would prompt the registrant to change his renewal method to annual standing order or direct debit, then that would be worthwhile in itself.

Q E.6 What data on WLS subscribers should be published, and how?

At least as much as is published about the registrant, through similar interfaces ('?wllwhois')?

Q E.7 Do respondents support the sub-committee's working assumption that contractually, the WLS service should mirror the registration service, i.e. that WLS subscriptions should be made in the name of the end customer?

Yes ? apart from anything else, any WLS service will have a problem establishing credibility if they are not, whether Nominet or third-party. If the subscriptions appear to be in the name of the third-party supplier (or Nominet), then suspicion will inevitably arise as to the credibility of the WLS as an end-user service.

Q E.8 Should the similar arrangements for direct and indirect WLS subscriptions apply?

No comment.

Q E.9 Do respondents agree with the subcommittee's working assumption that charges for WLS should be set on a cost recovery basis?

Yes, always remembering that Nominet can and should build in substantial contingency without departing from the principal of cost recovery.

Q E.10 Should WLS charges include a charge for the first period of registration? How long should that period be? What other factors to respondents feel are important in structuring WLS charges?

Basically a good idea, especially for Nominet's cash-flow, but would there

not be an administrative overhead to returning the registration fee in the case where the WLS subscription 'failed' (i.e. current registrant renews after all)?

Q E.11 Do respondents agree with the subcommittee's working assumption that at least initially, a WLS should be limited to co.uk, org.uk, and me.uk?

We would suggest that Nominet limit themselves to .co.uk (at least initially) as that is the only SLD that really matters both numerically and commercially. Does Nominet have any data to suggest that speculative registration attempts in .org.uk or .me.uk have reached the point where any action needs to be taken? We doubt it!

Q E.12 Do respondents agree with the subcommittee's working assumption that tag-changes on WLS subscriptions should be handled in a similar manner to tag-changes on registrations?

No comment.

Q E.13 Do respondents agree with the subcommittee's working assumption that transfer of WLS subscriptions should be handled in a similar manner to transfer of registrations?

No comment.

Q E.14 Do respondents agree with the subcommittee's working assumption that WLS subscriptions should relate to a particular domain name, which cannot be changed during the period of that WLS subscription?

Yes

Q E.15 What do respondents see as the key legal and IPR ramifications of a WLS?

No comment.

Q E.16 Do respondents believe that the DRS should be applicable to WLS subscriptions?

I think that would be ridiculous. We shouldn't be encouraging people to indulge in legal or pseudo-legal activities ? and if they want to indulge themselves, they should pay for the privilege!

=====

David Thurgate (for Name-Shop)

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## R18. Anonymous #1 – Individual

**From:** [anonymous at submitter's request]

**Date:** 11 March 2003 13:22

**To:** pab-feedback@nominet.org.uk

**Subject:** WAITLIST SUBCOMMITTEE

C1 and C2 I agree are sufficient for the proposed purpose

D I also agree with - being in the disadvantaged group of already having developed an alternative, I still don't feel there is sufficient reason to stop other registrars having access to such a facility. As with all technical innovation, the lead in the market comes from doing something first; once the idea is in the public view, it is only a matter of time before the service becomes available, through other people copying the idea for themselves, or through commercial services being resold and rebranded for companies wishing to offer it, but without the facilities to reproduce it in-house.

One disadvantage not listed more prominently until later is the obvious extra burden on nominet. Undoubtedly the actual implementation will be more complex than it appears. With the exception of the recent whois modifications debacle, Nominet at least have a good track record in smooth (if not always 100% perfect) rollouts of new services like this. I suspect the initial launch will be of similar scale to a new SLD - there are already users of this service, in various forms, most of which I suspect have committed real money along with an honest desire to receive a domain.

Section E is where things become less clear cut. Allowing only one user will probably not meet the majority of cases - if there are more registrants interested in a single domain than single registrants interested in a unique domain, then the wait list system would just shift the overloading of whois to the overloading of the wait list, when potential registrants check if the current lucky applicant has decided they don't want the domain after all.

E2 - no contest, it has to be first-come, first-served, I doubt a sufficiently intelligent algorithm could be produced to remove multiple applications from the same applicant, most likely also originating from several members' sites offering the service. I also have the same concerns as brought up with the VSGR proposed random system and the implications of possibly operating a lottery. I see a sanity and clarity in mimicking nominet's current situation in this service, rather than mimicking that of members alternative implementation.

E3 is a quandry I had myself when writing a domain waiting list system. In the end, we settled on customers buying a service, rather than a product - customers sign up for a watcher for a period of time, and can choose at any time to alter the domain they're watching. A single fee, and if someone else gets the name you're after, then chances are they're going to keep it beyond the end of your subscription for the service. As for subscription renewal, follow the rest of your business model. We assume the customer wishes to continue with their services until they inform us otherwise (and they agree to be liable for the renewal charges, unless they tell us otherwise, when they sign up) Although this is also currently nominet's method, I would suggest it is reversed when you move to require pro-active renewal. Possibly assign a unique ID to each wait list service, so that tagholders are billed for specific items, and you have a specific domain being watched by that item - this would solve the problem that we have of what to do if the client has more domains being watched than they are currently pay to be watched.

As nominet domains are valid for 2 years, make the list entries valid for 2, that way there's a fair chance that the domain will have a renewal date between when the list entry is added, and when it expires. And no more than 2 years, for the same reasons nominet doesn't allow registrations for more than that.

E4 - 7 and 60 days sounds good.

E5 - I don't believe the current registrant should be made aware of anyone setting up WLS for a domain. I feel this will encourage the speculation, tying up unwanted domains in the hope of getting some value for them: the domain does not belong to the registrant, if they're not willing to put in the effort to establish the value of something they contractually have use of, I see no reason to tip them off. If they're really concerned, they can set up a waitlist entry on their own domain, when they register it, to ensure they're first in line when it expires (people have already done this with our service, though for gTLDs that allow 'domain locking' the value in doing so is reduced)

E6 Not something I've had to think of before. Obviously is only one waitee is allowed at a time, then you can determine the status by attempting to set up a WLS for that domain. Although my initial thought following on from above is not to show the details, any successful registrant will have their details publically displayed when they get the domain. Also, by having information available on whois, it further removes any need to notify the applicant specifically at renewal time. An internic-style whois query for !mydomain.co.uk-WLS to retrieve details of all potential registrants, plus a single line in whois to indicate this data is available is my first coherent way of structuring it.

E7, 8, 12 and 13 Yes, I favour the approach of mirroring the registration system, both in methodology and price structure

E9 and 10 Again, I think this approach is most logical - the cost difference between a database entry in a zone file, and one not, is trivial (though the point about the cost of certificates is a different matter) Take a payment, if they have ticket number one in their domains queue, they get to star in today's zone file; at 2 years, they get the chop, even if they never made it into the spotlight. Alternatively, the charge could be for up to 2 years in the database, but also include the first 12 months in the zone, if they get it (this allows the filing of a wait request to cost less than the full price of normal 2 year registration, and possibly fits the cost recovery model better, once the costs have been calculated)

E11 Although the focus on the open SLDs is more obvious, I do think a system should be in place for the closed domains - ltd/plc has the obvious problem that there isn't a 1-1 mapping between CH-legal names and nominet-legal ones, and I believe that there will occasionally be a value in making it available on that. .net, assuming it will still be manually moderated, probably has a bigger problem of popular names being unavailable - if WLS candidates are pre-vetted, they can then be queued like the others. I suspect sch/nhs is a non-issue, simply because they're so rarely used by institutions wanting to present a public image, who prefer a simpler domain name, even though there are sizable clashes between schools of fairly similar names within the same LEA areas (king's this and st thingies that) If they can't get the name they want, when they want to get on the net, I suspect they'll mainly register a similar .org(.uk) and forget about the proper hierarchy.

E14 Having implemented a similar system distinguishing between purchasing wait list services, and the domains being monitored, the point was to allow a customer to give up on a particular domain, and decide to wait on a different one instead. Take the analogy of pre-ordering any other commodity before stocks are available, you may originally order a blue car, but later decide that you fancy a red one instead. If the car hasn't yet been painted (ie both red.co.uk and blue.co.uk are still registered to other parties) then no one loses anything in the process. Also, if the person no longer wants blue.co.uk, but has already paid to wait for it, there's no incentive for them to give up their place in the wait list, and that domain will then be tied up, possibly to the detriment of someone else also waiting for it.

E15 I'm curious if the law will distinguish between paying for an actual service being provided, and paying for the speculative chance of service being provided, especially if this option can be traded.

E16 Given the current wording of the DRS, where only someone with a more valid claim to the name can bring a case, I don't think it should be applicable. If a possibly valid user believes another person on the list may have malicious intent in their use of the domain (should they get it), and that user is alerted that DRS will ensue unless they drop their wait list entry, then that will hopefully be enough of a deterrent. Neither party is likely to suffer losses from not being able to use a domain that neither was already able to use.

## R19. Michael Toth – Gooseberry Internet

**From:** Michael Toth [mailto:michaelt@blueyonder.co.uk]  
**Sent:** 11 March 2003 23:59  
**To:** pab-feedback@nominet.org.uk  
**Subject:** WAITLIST SUBCOMMITTEE

Dear Committee,

Firstly what is IPR as shown in the document? Please explain

You stat that nominets systems cannot handle the load of speculative registrations now, so what will happen if WLS was released. I think you would have 1000's of speculative subscriptions made by people in the know who will either crash or stall the automaton. This has no more advantage to the common user than the present system. TAG should police there own speculative registrations from their customers, so why not impose limits on a second/minute/hour/daily basis. Anybody breaking the rules get suspended or loses any name registered.

Any ideas of a random WLS takes away the point that nominet operates a first come first served basis.

Dot com is run as a profit making business nominet is not, so please let keep away from the mistakes of ICANN.

The present system allows for equal chance of registration.

I would not be happy as a registrant who know relatively little of the domain names business to get a letter to say somebody else is after my domain name. It would only cause me to have sleepless nights. I must raise this point because there are companies already out there that are bombarding the registrants of domain names coming to the end of there registration with letter saying that they must pay inflated amount to carry on with the registration. Nominet have been saying that they wish the general public to like, know and trust the practices of nominet. This will just make them more confused.

>From what I read, is nominet now supporting and accepting that domain names have a value and that there is a secondary domain names sales market?

Allowing DRS on a WLS goes against what is been said in this document, i.e. an easier more structure cost efficient system.

Finally I do not agree with the proposals and will fight against them

Regards Michael Toth

GOOSEBERRY INTERNET



## R20. Claire Civil – Holistech

**From:** Claire Civil [mailto:claire.civil@holistech.co.uk]

**Sent:** 12 March 2003 00:10

**To:** pab-feedback@nominet.org.uk

**Subject:** Waitlist Subcommittee

Q C.1 Agree

Q C.2 Proposed consultation sufficient.

Q D.1 Disagree slightly with the third advantage - currently any tag holder *could* offer a WLS. A Nominet provided system will just be more efficient and not risk being perceived as "automation abuse". Last advantage (increased revenue) should be considered as relatively unimportant. Consider the advantages to outweigh the disadvantages, given the current situation some form of WLS seems a sensible idea.

Q.E.1 Yes, to avoid wait-lists for the wait-list, but WLS subscribers must know how long the queue is before paying to join it.

Q E.2 If more than one WLS subscription is allowed the first-come-first-served principle should be followed.

Q E.3 WLS subscription should last until the domain has expired or been renewed, with an option to renew (as the new domain renewal process).

Q E.4 Grace period of 60 days seems sufficient.

Q E.5 Nominet should proactively notify registrant of a WLS subscription. If it doesn't the wait list queues will be repeatedly queried by ISPs offering this as an added value service.

Q E.6 We don't feel that publishing details of WLS subscribers is necessary, just the numbers waiting on a domain.

Q E.7 Very strongly agree that WLS subscriptions should be made in the name of the end customer, as for domain registrations.

Q E.8 Both direct and indirect WLS subscriptions should be allowed.

Q E.9 Agree that WLS charges should be made on a cost recovery basis.

Q E.10 We would like to see some projections from Nominet on the costs involved in each charging model but we think that WLS charges should be for the WLS only. This is based in part on the assumption that the majority of the costs involved happen at the transition points (i.e. subscription and expiry of a WLS subscription without registration would cost less to administrate than one that included a registration) and because of the potential perceived unfairness to unsuccessful waiting list subscribers.

Q E.11 Agree with limiting WLS to open SLDs.

Q E.12 Agree.

Q E.13 Agree.

Q E.14 Agree.

Q E.15 Would agreeing to Terms and Conditions in advance slow the rollout of any new T&Cs from 2 to 4 years? i.e. would Nominet have to offer the registration on the original terms and conditions even if changes were planned / in progress?

Q E.16 No.

## R21. Andy Hugh – Tagnames Ltd

**From:** <andyhugh@tagnames.co.uk>  
**To:** <alex@nominet.org.uk>  
**Subject:** WAITLIST SUBCOMMITTEE  
**Date:** Wed, 12 Mar 2003 02:12:58 -0000

11 March 2003

Response by Andy Hugh (for TagNames Limited) to:  
Nominet Wait Listing Services - A PAB Consultation

Q C.1 Do respondents agree that the identification of stakeholder groups is accurate and complete?

Whilst falling into the stakeholder category of 'Members and Tag-holders', one important stakeholder group that should be specifically identified are existing 'WLS operators' (hereon referred to as WLS operators) who have or are investing significant amounts of time and money in WLS technologies.

Q C.2 Do respondents agree that the subcommittee's intended consultation process is sufficient, or should the PAB recommend a different process?

The consultation paper covers much of why and how a WLS should be implemented and almost assumes that a WLS will be implemented by Nominet in one form or another. There is little thought for alternative systems, which should be discussed by default.

Heavy use of the Automaton for speculative registrations should be a simple matter to resolve using existing techniques. However, I think it is a fairly safe bet that 'Abuse'/heavy usage of the WhoIs would continue after the implementation of a WLS or similar service.

It is therefore my opinion that solutions should be sought to embrace these proactive members, whether by introducing one or more other WhoIs type services or through a variant of the PRSS. A consultation with existing WLS operators might prove useful.

Q D.1 Do respondents agree with the subcommittee's summary of the advantages and disadvantages of a WLS? How do respondents weigh these against each-other? Is introduction of a WLS, in some form, a good policy principle?

· You quoted:

"A Nominet provided WLS facilitates a reduction in load on Nominet's systems - both business systems and technical systems;"

A reduction in load on Nominet's systems could also be gained through systems other than a WLS.

· You quoted: "A Nominet provided WLS responds to customer demand in a technologically efficient manner, which, in a free market would lead to lower end-user price for such services"

End-user prices would probably not be lower with a Nominet provided WLS.

For example, a WLS operator might charge their customer only once the domain name has been registered for their client.

Would Nominet be prepared to offer a WLS subscription for free until such a time as the name is successfully registered ?

You mention 'free market'. Surely if there were more than one WLS system, this would be a free market. The customer could choose who they would like to provide the service. One business model might be based on high cost, high success, one might be based on low cost for not so sought after names, etc. etc. Let the customer decide.

If Nominet provide a WLS, surely they will be creating a monopoly which

would not be in the customers interest in terms of choice or price competitiveness.

· You quoted: "A Nominet provided WLS increases competition in provision of WLS-like services when compared to current de-facto arrangements, as it can be provided by each of over 2,700 tag-holders; and"

Competition in terms of number of competitors will increase but the charges to the customer might not be any lower. Also, the costs per end-user subscription, would increase, since there is currently no charge to the tag-holder opting to implement their own WLS.

· You quoted: "A Nominet provided WLS provides potential new revenue for tag-holders."

A very competitive market hardly supports your argument here. Embracing existing and future WLS operators allows those operators to work on a business model based on volume thereby reducing charges to customers. Offering an off-the-shelf solution to all tag-holders would not only jeopardise the existing WLS operators investments but would also increase the charges made to customers due to the small numbers of WLS subscriptions that each tag-holder would get.

· You quoted: "Existing tag-holders attempting to provide a WLS-like service will have their revenues exposed to increasing competition from those tag-holders using a Nominet provided WLS, and thus will lose sunk costs."

I suspect that this would be correct from a technical perspective but not from a cost perspective.

Q E.1 Do respondents support the idea that more than one WLS subscription should be allowed per domain name?

Yes

Q E.2 If respondents support the idea that more than one WLS subscription should be allowed per domain name, what mechanism should be used to allocated expired domain names amongst multiple WLS subscribers?

This should be based on the success of the WLS operator.  
(i.e. I do not support a Nominet based WLS).

Q E.3 What period do respondents feel a WLS subscription should cover? What arrangements, if any, should be put in place for WLS subscription renewal, as opposed to simple resubscription?

Too early for discussion - No Comment

Q E.4 Is the grace period within the new renewals scheme sufficient in light of WLS proposals?

Too early for discussion - No Comment

Q E.5 What measures should Nominet take in relation to notification of registrants when a WLS subscription is made in relation to a domain name?

Too early for discussion - No Comment

Q E.6 What data on WLS subscribers should be published, and how?

Too early for discussion - No Comment

Q E.8 Should the similar arrangements for direct and indirect WLS subscriptions apply?

Too early for discussion - No Comment

Q E.9 Do respondents agree with the subcommittee's working assumption that charges for WLS should be set on a cost recovery basis?

Too early for discussion - No Comment

Q E.10 Should WLS charges include a charge for the first period of registration? How long should that period be? What other factors to respondents feel are important in structuring WLS charges?

Too early for discussion - No Comment

Q E.11 Do respondents agree with the subcommittee's working assumption that at least initially, a WLS should be limited to co.uk, org.uk, and me.uk?

Too early for discussion - No Comment

Q E.12 Do respondents agree with the subcommittee's working assumption that tag-changes on WLS subscriptions should be handled in a similar manner to tag-changes on registrations?

Too early for discussion - No Comment

Q E.13 Do respondents agree with the subcommittee's working assumption that transfer of WLS subscriptions should be handled in a similar manner to transfer of registrations?

Too early for discussion - No Comment

Q E.14 Do respondents agree with the subcommittee's working assumption that that WLS subscriptions should relate to a particular domain name, which cannot be changed during the period of that WLS subscription?

Too early for discussion - No Comment

Q E.15 What do respondents see as the key legal and IPR ramifications of a WLS?

Monopoly position relating to a Nominet implementation of a WLS: limits customer choice, increases prices, and forms direct competition between Nominet and current WLS operators.

Q E.16 Do respondents believe that the DRS should be applicable to WLS subscriptions?

Too early for discussion - No Comment

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Andy Hugh  
andyhugh@tagnames.co.uk  
TagNames Limited  
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Certified Virus Free  
Checked by AVG anti-virus system (<http://www.grisoft.com>).  
Version: 6.0.461 / Virus Database: 260 - Release Date: 10/03/2003

## R22. Paul Westley - Internetters

**Date:** Wed, 12 Mar 2003 12:29:47 +0000  
**To:** pab-feedback@nominet.org.uk  
**From:** Paul Westley <paul@internetters.co.uk>  
**Subject:** WAITLIST SUBCOMMITTEE

Hi guys,

Sorry we are a few hours late with this. if you have any questions on our views or ideas, please email or phone.

Best regards,

Paul Westley  
Internetters Limited  
www.internetters.co.uk  
0870 160 5555  
.....

Internetters has given some thought about the proposed WLS. On balance we believe that such a scheme would be advantageous to the following groups:-

1. prospective applicants - as it provides a straightforward way to be first in line for a detagged domain when (and if) it is returned to the pool.
2. Tag holders - as it provides a simple way to assist a potential registrant to apply for a detagged name, together with the potential for an additional revenue stream.
3. Nominet - as it takes away the need for a number of Tag holders to send thousands of failed registration attempts and relieves pressure on the Automaton.

We welcome such a scheme. I have listed below our comments/answers to each specific question in Alex's report.

Q C.1 Yes we agree that all applicable stakeholder groups are identified.

Q C.2 We consider that the proposed consultation is suitable.

Q D.1 Yes. We agree with your summary of advantages and disadvantages.

Internetters is one of the companies that has invested in software to try to register detagged domains for clients. Our planned full service launch was cancelled after the publication of amendments to the public access to the WHOIS and the Automaton and proposals for a WLS were introduced. We are aware that certain other companies have also invested in software to snap up detagged domains. Our investment in this software is wasted, but as it (and the other Companies' systems also) depended on heavy use of the Automaton, this is acceptable if we instead have an alternative and less resources-intensive system.

Q E.1 We consider that there should only be a single WLS subscription allowed per domain name (similar to the SnapNames and VGRS proposed WLS).

This would need to be on a first-come, first-served basis. This has advantages in (i) letting the WLS subscriber know that in the event of the domain name not being renewed, they will be the new registrant, (ii) being more easily marketable and explained to the potential applicant - especially as this would be similar to the gTLD scenario, (iii) avoids the pitfalls of a "lottery" if random.

It would of course lead to a landrush when first launched, as there is likely to be a large level of demand for some key generics (although this would be countered by the very low likelihood of most of such names ever becoming deleted in the first place). To handle a landrush, we propose a price-based scheme similar to but less complex than me.uk launch. How about £50 price for 2 years for the first month of launch and then reverting to £5 (or other standard Nominet registration fee) for 2 years thereafter?

Demand could alternatively be managed by initially only permitting applications for WLS if the domain name is already in DETAGGED status. This could be combined with the price mechanism above or be charged straightaway at the standard rate?

Then subsequently the scheme could be widened to allow WLS applications for all domains - again perhaps using the price mechanism for the first month.

DETAGGED domains represent the greatest demand for this service as they also represent the greatest chance of actually succeeding at eventual registration. WLS for live domains may be used more speculatively (or even for insurance purposes by the registrant - although there is currently less need for this aspect with .uk ccTLDs than with gTLDs due to the different nature of the delete process).

Q E.2 We strongly disagree that there should be more than one WLS subscriber per domain name - please see comments at Q E.1

Q E.3 We recommend this should be identical to registrations - 2 years. Also that renewal of WLS subscriptions should be on the same basis as proposed for domains (the ability to add 2 years to the subscribed period anytime up to 6 months prior to expiry date).

Q E.4 Yes

Q E.5 We have no strong view on this. It may be felt worthwhile to advise the Admin Contact of a domain name that someone else has just taken out a WLS on their domain name. However, this could cause confusion and extra workload for Nominet and Tagholders, by registrants contacting them and asking what it is all about. In practice we do not see any real need to notify registrants that someone has taken out a WLS on their domain name. Normal renewal procedures would take care of that.

Q E.6 We see no need to publish details of a WLS subscriber. However, it may be useful to add an extra field to the WHOIS for a domain on which there is a WLS, e.g. "Subscription to Wait List Service taken out on this domain name" together with a hyperlink to an explanatory page about what WLS is, how it works etc.

Q E.7 Agreed

Q E.8 Agreed, although direct subscriptions should be strongly discouraged, by procedures, prices etc.

Q E.9 We agree that Nominet services should where possible be on a cost-recovery basis. However, the development costs should be recovered quickly by Nominet. There is also advantage in adopting identical pricing to registrations from a simplicity aspect (apart from at launch - to manage demand).

Q E.10 If it is deemed wise to cover such fees, then the charge for WLS should be double current registration fees - i.e. WLS + registration fee (£10). However, this may impact on Nominet's billing systems (i.e. a domain name has WLS, it then gets registered on behalf of the client, Nominet's systems would need to take account of this or the Tagholder would be billed again for the registration fees).

Q E.11 Yes. co.uk, org.uk or me.uk (i.e. any fully automated SLD) should all qualify - although in practice only co.uk is likely to get much demand.

Q E.12 Yes.

Q E.13 Yes.

Q E.14 Agree strongly. As far as we are aware only the SnapNames service provides this. WLS should apply to just the one domain name. If it gets renewed by the registrant, then the WLS subscriber still has the option to maintain his WLS (until the expiry of the WLS subscription). By the way would the differing expiry dates for the domain name and the corresponding WLS cause Nominet any problems?

Q E.15 We see no objections or legal challenges being raised by an IP owner against someone taking out a WLS on a domain name for which they would have intellectual property rights, although if they then went on to get the name, they could then be subject to legal challenge. All WLS subscribers should confirm acceptance of Nominet's terms and conditions at the time of signup. Furthermore this should also include agreement to accept Nominet's terms and conditions that are applicable at the time of the eventual registration. If this is legal I'm sure Emily can advise.

Q E.16 DRS should NOT be available for WLS subscriptions, as there is no need until domain is actually registered.

I hope these comments are helpful. We look forward to the introduction of the service.

Paul Westley  
Internetters Limited  
0870 160 5555