July 2020

# Re-imagining the future of .nz

## Submission template.

# How to use this submission template

## Instructions

This template contains a full summary of the questions in the Options Report. You may wish to respond to one, many, or all of them.

For ease of navigation we have included the headings and options from the full Report. A plain text summary of questions without the table formatting is attached on page 26.

You are welcome to use the template, or make a submission through other means.

We are interested in any views you have. If you are able to support your views with evidence, we are keen to see this too. This might include facts, figures, research, or examples.

For the purposes of your submission on this paper, you should include your name (or your organisation's name) and your contact details.

You can make your submission by:

- Email to [dotnzreview@internetnz.net.nz](mailto:dotnzreview@internetnz.net.nz)
- Post to PO Box 11-881, Manners Street, Wellington 6142, New Zealand

Submissions are due by **Friday 14 August**.

## Participate online

We will be releasing bite-size content on InternetNZ's social media channels and the InternetNZ website. And you will also be able to provide your feedback there.

The Panel will also be hosting webinars where you can come and discuss your thoughts on the Report. To find out more and register your interest, visit https://internetnz.nz/nz-have-your-say.

## Use of information

The information provided in submissions will be used to inform the Advisory Panel's recommendations to InternetNZ on changes to the .nz policies. The Panel or InternetNZ may contact you directly to clarify anything in your submission.

The Privacy Act 1993 establishes certain principles with respect to our collection, use and disclosure of information about individuals. Any personal information you supply to the Panel and InternetNZ in the course of making a submission will only be used by the Panel or InternetNZ in their consideration of what changes should be made to the .nz policies.

InternetNZ has an open policy making process and typically publishes all submissions to encourage open conversation. Individual names and contact details will not be published. If you would like to include confidential information in your submission, please contact dotnzreview@internetnz.net.nz to discuss what arrangements InternetNZ might implement if we were to agree to receive the confidential information.

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## Your details

| Name | Jacinta O'Reilly |
| --- | --- |
| Email address | |
| Contact phone number | |

**Yes** I understand and agree that my submission will be made public on the InternetNZ website

**Yes** I understand that my contact details will be redacted from the public version of this submission

**Yes** I would like to speak to my submission with the Panel

## Guiding Principles

### Summary of proposed changes to the guiding principles for .nz

The Panel intends to recommend that the guiding principles for .nz be:

- **.nz should be secure, trusted and safe:** .nz infrastructure should be dependable and secure and .nz be a domain space people trust and feel safe using.

- **.nz should be open and accessible:** The .nz domain should be an inclusive space where everybody can observe, participate, innovate and enjoy online benefits.

- **.nz should be safe-guarded and operated for the benefit of New Zealanders:** The .nz domain space should be safe-guarded and operated for the benefit of New Zealanders, reflecting and being responsive to our diverse social, cultural and ethnic environment.

- **.nz should support te reo Māori and participation in .nz by Māori**: The .nz domain space should contribute to the protection and use of te reo Māori and facilitate participation in the .nz domain space by Māori.

- **.nz should enable New Zealand to grow and develop:** The .nz domain space should help people, businesses and organisations connect, create, innovate and grow.

The Panel intends to recommend that the .nz policies contain the following operational guidelines:

- **First come, first served:** A domain name will be registered on a 'first come, first served' basis if it is unregistered and available for registration.

- **Restrictions on use should be minimised**: The ccTLD manager should keep restrictions on the way domain names can be used to the minimum necessary to enable the .nz domain to be trusted and safe.

- **Structural separation:** Regulatory, registry, and registrar functions are structurally separated.

- **Clear chain of relationships:** Registrants have agreements with their registrar, and all registrars with the registry and with DNCL. Where appropriate the DNCL can intervene in these relationships consistent with this policy, the .nz policies and associated agreements and contracts.

| | |
|---|---|
| 1. | Do you consider that the .nz guiding principles should be visionary, holistic, inclusive and instructive rather than operational? Why / why not? What else should they be? |
| | .nz domains hold a special place for this country. Anyone seeing the .nz in a name immediately knows the content has an association with New Zealand. As your documentation points out, this is the perception even if it is not true. I believe no company should have control of this domain unless they take that responsibility seriously. To have a policy of abdication of responsibility for the content of websites identified as with New Zealand is irresponsible. In fact I'd go so far as to say that the administration of .nz domains should not be in the charge of those who do not consider good curation of content their responsibility. The people who wish to act in the interests of internet users who promote harmful and malicious content should not have access to .nz domains, as they bring the whole country into disrepute.  I do not believe that a policy that allows the |

flouting of a flagship national initiative like "The Christchurch Call" could possibly be acceptable to the governance of this country. I believe it would be pragmatic for the reviewers of this policy to consider the interest of all New Zealand in preserving a reputation and a reality of commitment to the safety of all our people.

For that reason I believe that the .nz guiding principles should be visionary, holistic, inclusive and instructive rather than operational.

| 2. | Do you think the .nz policies should be rewritten and simplified? Why / why not? If yes, how? |
|---|---|
| | Yes, to make them accessible. It is impossible to be completely unambiguous but at least clear writing can provide a clear base for discussion. |

| 3. | Do you think there should be a new 'secure, trusted and safe' principle? Why / why not? Do you have any comments on the proposed formulation of the new principle? |
|---|---|
| | We owe it to users and providers to take some responsibility for the impact of our action. The internet is a part of society now and is part of the fabric of society. |
| 4. | What would be the main benefits and disadvantages of moving from a 'no concern for use' approach to a 'secure, trusted and safe' approach? |
| | |

| 5. | Do you think there should be a new 'open and accessible' principle? Why / why not? Do you have any comments on the proposed formulation of the new principle? |
|---|---|
| | |

| 6. | Do you think there should be a new 'New Zealand benefit' principle? Why / why not? Do you have any comments on the proposed formulation of the new principle? |
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| | |

| 7. | Do you think there should be a new principle on te reo Māori and Māori participation in .nz? Why / why not? Do you have any comments on the proposed formulation of the new principle? |
|---|---|
| | |

| 8. | Do you think there should be a new guiding principle on enabling New Zealand to grow and develop? Why / why not? Do you have any comments on the proposed formulation of the new principle? |
|---|---|
| | |

| 9. | Do you think there should be two types of principles (guiding principles and operational guidelines) to help manage the .nz domain? Why / why not? |
|---|---|
| | |

| 10. | Do you agree that the 'rule of law' principle should not be retained as an operational guideline? Why / why not? |
|---|---|

| | |
|---|---|
| **11.** | **Do you think the 'first come first served' principle should be modified and retained as an operational guideline? Why / why not?** |
| | |

| | |
|---|---|
| **12.** | **Do you think the 'registrants' rights come first principle should be modified and retained as an operational guideline? Why / why not?** |
| | |

| | |
|---|---|
| **13.** | **Do you agree that the 'low barriers to entry' principle should be removed? Why / why not?** |
| | |

| | |
|---|---|
| **14.** | **Do you agree that the 'no concern for use' principle should be modified and retained as an operational guideline? Why / why not?** |
| | |

| | |
|---|---|
| **15.** | **Do you agree that the 'structural separation' principle should be retained as an operational guideline? Why / why not?** |
| | |

| 16. | Do you agree that the 'clear chain of relationships' principle should be retained as an operational guideline? Why / why not? |
|---|---|
|  |  |

| 17. | Should the Panel consider any other principles? |
|---|---|
|  |  |

| 18. | Is there anything else the Panel should bear in mind when making recommendations on the principles or operational guidelines for the .nz policies? |
|---|---|
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## Accessibility and openness of .nz domains

### The .nz policies are written only in English

- Option A: the current situation
- Option B: Make the policies available in te reo Māori as well as English
- Option C: Make the policies available in te reo Māori and take other accessibility measures like adding other languages over time according to how widely used they are

| 19. | Do you agree with our assessment of the options? Why / why not? Are there viable options that we have not mentioned? |
|---|---|
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| 20. | Which option do you prefer? Why? |
|---|---|

## Lack of availability of characters other than English and te reo Māori alphabets in .nz domain names

- Option A: the current situation
- Option B: support additional characters as demand arises
- Option C: support all characters for most widely used New Zealand languages

| 21. | Do you agree with our assessment of the options? Why / why not? Are there viable options that we have not mentioned? |
|---|---|
| | |
| 22. | Which option do you prefer? Why? |
| | |

## No geographical limits on registrants

- Option A: The current situation
- Option B: Educate .nz users that .nz domain names can be held from anywhere around the world
- Option C: Impose a local presence requirement

| 22. | Do you agree with our assessment of the options? Why / why not? Are there viable options that we have not mentioned? |
|---|---|
| | |
| 23. | Which option do you prefer? Why? |

## Security and trust

### Domain and website content abuse

- Option A: The current situation
- Option B: 'No concern for use'
- Option C: Suspension of a domain name on advice by a trusted notifier
- Option D: Implement an 'acceptable use' policy

| 25. | Do you agree with our assessment of the options? Why / why not? Are there viable options that we have not mentioned? |
|---|---|
| | |

| 26. | Which of these options do you prefer? Why? |
|---|---|
| | |

### The interim emergency circumstances clause

- Option A: Allow the interim policy to lapse
- Option B: Make the interim policy permanent as it is currently phrased
- Option C: Modify the interim policy and make it permanent

| 27. | Do you agree with our assessment of the options? Why / why not? |
|---|---|
| | |

| 28. | Which of these options do you prefer? Why? | 13 |
|---|---|---|
|  |  |  |

## Domain name registration abuse

- Option A: Current situation
- Option B: Introduce data validation for all domain name registrations

- Option C: Introduce data verification for high risk domain name registrations

| 29. | Do you agree with our assessment of the options? Why / why not? Are there viable options that we have not mentioned? |
|---|---|
|  |  |
| 30. | Which of these options do you prefer? Why? |
|  |  |

## Grace periods and domain tasting

- Option A: The current situation
- Option B: Removal of grace periods
- Option C: Adopt different policies towards new registration and renewal grace periods

| 31. | Do you agree with our assessment of the options? Why / why not? Are there viable options that we have not mentioned? |
|---|---|

| 32. | Which option do you prefer? Why? |
|-----|----------------------------------|
|     |                                  |

## Misleading, deceptive, and offensive domain names

- Option A: The current situation
- Option B: Introduce a 'reserved and restricted names' policy

| 33. | Do you agree with our assessment of the options? Why / why not? Are there viable options that we have not mentioned? |
|-----|----------------------------------------------------------------------------------------------------------------------|
|     |                                                                                                                      |
| 34. | Which of these options do you prefer? Why? |
|     |                                                                                                                      |

## Ensuring security best practice across the .nz domain name system

- Option A: The current situation: Registry has no levers to monitor or improve registrar security
- Option B: Require all registrars to adhere to minimum security standards
- Option C: Incentivise or mandate security features or practices

| | |
|---|---|
| 35. | Do you agree with our assessment of the options? Why / why not? Are there viable options that we have not mentioned? |
| | |
| 36. | Which option do you prefer? Why? |
| | |

## Technology specific approach

- Option A: The current situation
- Option B: A 'technology neutral' approach to policy drafting replaces the current prescriptive approach

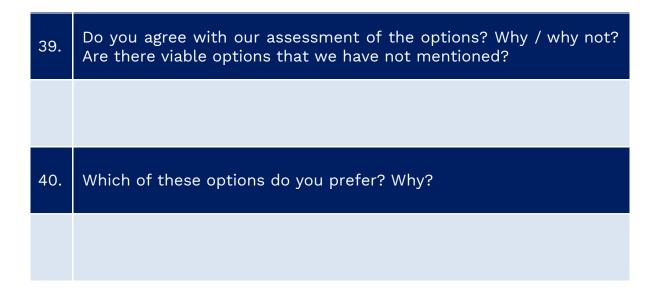| | |
|---|---|
| 37. | Do you agree with our assessment of the options? Why / why not? Are there viable options that we have not mentioned? |
| | |
| 38. | Which of these options do you prefer? Why? |
| | |

## Conflicted domain names

### Self-conflicted names continue to be unresolved

- Option A: The current situation - the Registry continues to allow self

- Option B: Provide a deadline for the registrant to resolve the conflict themselves to avoid release of domain names.

## Other conflicted names continue to be unresolved

- Option A: The current situation
- Option B: Provide a deadline for all registrants to come to an agreement
- Option C: InternetNZ develops a criteria for prioritising registrants' right to a .nz name

| 39. | Do you agree with our assessment of the options? Why / why not? Are there viable options that we have not mentioned? |
| --- | --- |
| | |
| 40. | Which of these options do you prefer? Why? |
| | |

# Enhancing privacy across the .nz domain name system

## Level of registrant data collected and stored

- Option A: The current situation
- Option B: Introduce different registrant profiles, requiring different levels of contact data to be collected for each.

| 41. | Do you agree with our assessment of the options? Why / why not? Are there viable options that we have not mentioned? |
| --- | --- |
| | |
| 42. | Which of these options do you prefer? Why? |

## Registrant data is made public by default

- Option A: Current situation
- Option B: The IRPO is opt out, i.e, individual registrants have the option activated by default
- Option C: All registrant contact details are withheld from query services for all individuals not in trade (no option to opt out or in)

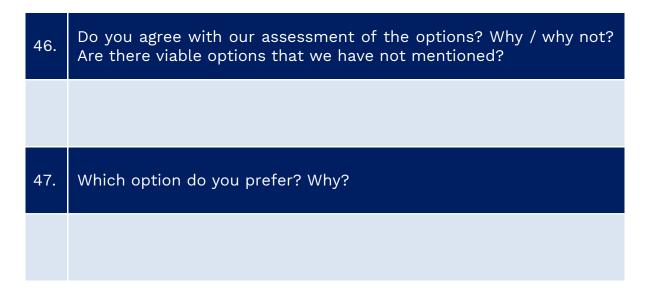| | |
|---|---|
| 43. | Do you agree with our assessment of the options? Why / why not? Are there viable options that we have not mentioned? |
| | |
| 44. | Which option do you prefer? Why? |
| | |
| 45. | Under the IRPO, which contact details do you think should be withheld from WHOIS? |
| | |

## Implementation of the IRPO and access to registrant information when required

- Option A: The current situation
- Option B: Streamline the process described in clause 22 of the *Operations and Procedures* policy and make it more user friendly for requests to access 'Withheld Data'

- Option C: The creation of a form that allows people to communicate with a registrant without requiring the registrant's email address

| 46. | Do you agree with our assessment of the options? Why / why not? Are there viable options that we have not mentioned? |
| --- | --- |
|  |  |

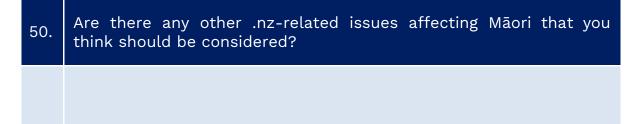| 47. | Which option do you prefer? Why? |
| --- | --- |
|  |  |

## The .nz domain space and Māori

### Engaging with Māori in the policy-making process

| 48. | Do you agree that following the Panel's work, InternetNZ should take reasonable steps to engage with Māori when amending the .nz policies? Why / why not? |
| --- | --- |
|  |  |

### Building strong capability within InternetNZ to engage with Māori

| 49. | Do you agree InternetNZ should ensure it has adequate capability to facilitate engagement with Māori? Why / why not? |
| --- | --- |
|  |  |

## Engaging with Māori on the issues that the Panel has identified

| 50. | Are there any other .nz-related issues affecting Māori that you think should be considered? |
| --- | --- |
|  |  |

# Opportunities to enhance .nz growth and improve market operation

## The current flat wholesale fee structure limits innovation

- Option A: Flat wholesale fee, no rebates or incentives (Current situation)
- Option B: Enable variable wholesale pricing to Registrars
- Option C: Allow Registry to offer rebates to the registrant via the wholesale fee

| 51. | Do you agree with our assessment of the options? Why / why not? Are there viable options that we have not mentioned? |
| --- | --- |
|  |  |

| 52. | Which of these options do you prefer? Why? |
| --- | --- |
|  |  |

## The scope of incentives to enhance market operation

- Option A: Do not incentivise registrars or registrants (the current situation)
- Option B: Allow registrar incentives to drive specific initiatives
- Option C: Require any incentive payment criteria to be designed to promote .nz policy goals

| 53. | Do you agree with our assessment of the options? Why / why not? Are there viable options that we have not mentioned? |
|---|---|
| | |

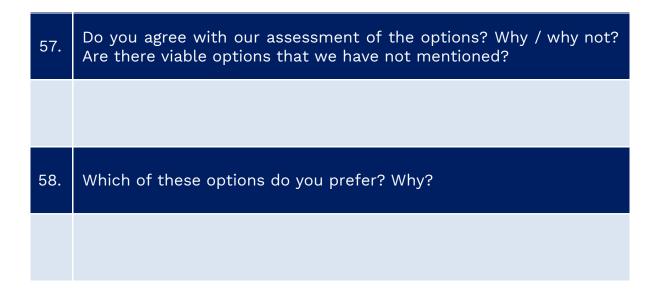| 54. | Which of these options do you prefer? Why? |
|---|---|
| | |

## Empowering registrants could improve market performance

- Option A: Current situation
- Option B: InternetNZ works with registrars to establish a statement of registrant rights which the DNC monitors and registrars are accountable for by annual monitoring

- Option C: DNCL publishes expanded objective market information to better inform registrant choice eg. market share and renewal rates

| 55. | Do you agree with our assessment of the options? Why / why not? Are there viable options that we have not mentioned? |
|---|---|
| | |

| 56. | Which of these options do you prefer? Why? |
|---|---|
| | |

## Improving the regulation of Resellers could enhance market operation

- Option A: The current situation
- Option B: Establish a two-tier registrar system which incorporates resellers
- Option C: Reduce the $3,000+GST registrar establishment fee for existing resellers as part of the proposed two-tier registrar system

| 57. | Do you agree with our assessment of the options? Why / why not? Are there viable options that we have not mentioned? |
|-----|---------------------------------------------------------------------------------------------------------------------|
|     |                                                                                                                     |
| 58. | Which of these options do you prefer? Why?                                                                           |
|     |                                                                                                                     |

## The Registry's role in market activity

- Option A: No requirement on scope of registrar offering. Registry may not sell/market directly to customers (The current situation)
- Option B: The Registry defines minimum service/feature set all registrars must provide. The Registry may not sell/market directly to registrants. The Registry incentivises registrars to provide services it provides under agreed rules
- Option C: No requirement on scope of registrar offering. The Registry may sell/market directly to registrants under strict controls.

| 59. | Do you agree with our assessment of the options? Why / why not? Are there viable options that we have not mentioned? |
|-----|---------------------------------------------------------------------------------------------------------------------|

| | |
|---|---|
| **60.** | Which of these options do you prefer? Why? |
| | |

## Improving Registrar monitoring may enhance market operation

- Option A: The current situation
- Option B: Establish a Registrar Service Level Agreement System to enhance market operation.

| | |
|---|---|
| **61.** | Do you agree with our assessment of the options? Why / why not? Are there viable options that we have not mentioned? |
| | |
| **62.** | Which of these options do you prefer? Why? |
| | |

## Greater industry data collection and publication could improve growth opportunities

- Option A: The current situation
- Option B: The Registry collects and communicates market information including customer segments, activity/utilisation and product use for industry to better understand and develop the .nz market

| 63. | Do you agree with our assessment of the options? Why / why not? Are there viable options that we have not mentioned? |
|---|---|
| | |

| 64. | Which of these options do you prefer? Why? |
|---|---|
| | |

## Second level (2LD) market opportunities

| 65. | Do you agree with our assessment of the issue? Why / why not? |
|---|---|
| | |

| 66. | Is there a role for additional second level domain names (moderated or not) within the .nz domain? If so, what domains in which area? |
|---|---|
| | |

## Other comments

| 67. | Any other comments you would like to make. |
|---|---|
| | I would like to discuss the issue further, in person, as part of the review. |

# Appendix A. Summary of questions

## Guiding principles

### Purpose of the guiding principles

*1.* Do you consider that the .nz guiding principles should be visionary, holistic, inclusive and instructive rather than operational? Why / why not? What else should they be?

### Rewriting and simplifying the policy framework

*2.* Do you think the .nz policies should be rewritten and simplified? Why / why not? If yes, how?

### Secure, trusted and safe

*3.* Do you think there should be a new 'secure, trusted and safe' principle? Why / why not? Do you have any comments on the proposed formulation of the new principle?

*4.* What would be the main benefits and disadvantages of moving from a 'no concern for use' principle approach to a 'secure, trusted and safe' principle approach?

### Open and accessible

*5.* Do you think there should be a new 'open and accessible' principle? Why / why not? Do you have any comments on the proposed formulation of the new principle?

### For the benefit of all New Zealanders

*6.* Do you think there should be a new 'New Zealand benefit' principle? Why / why not? Do you have any comments on the proposed formulation of the new principle?

### Te reo Māori and Māori participation in .nz

*7.* Do you think there should be a new principle on te reo Māori and Māori participation in .nz? Why / why not? Do you have any comments on the proposed formulation of the new principle?

## Enabling New Zealand to grow and develop

*8.* Do you think there should be a new guiding principle on enabling New Zealand to grow and develop? Why / why not? Do you have any comments on the proposed formulation of the new principle?

## Transferring existing principles into operational guidelines

*9.* Do you think there should be two types of principles (guiding principles and operational guidelines to help manage the .nz domain? Why / why not?

## Rule of law

*10.* Do you agree that the 'rule of law' principle should not be retained as an operational guideline? Why / why not?

## First come first served

*11.* Do you think the 'first come first served' principle should be modified and retained as an operational guideline? Why / why not?

## Registrant rights come first

*12.* Do you agree that the 'registrants' rights come first' principle should be removed? Why / why not?

## Low barriers to entry

*13.* Do you agree that the 'low barriers to entry' principle should be removed? Why / why not?

## No concern for use

*14.* Do you agree that the 'no concern for use' principle should be modified and retained as an operational guideline? Why / why not?

## Structural separation

*15.* Do you agree that the 'structural separation' principle should be retained as an operational guideline? Why / why not?

### Clear chain of relationships

16. Do you agree that the 'clear chain of relationships' principle should be retained as an operational guideline? Why / why not?

### Summary of principles

17. Should the Panel consider any other principles?

18. Is there anything else the Panel should bear in mind when making recommendations on the principles or operational guidelines for the .nz policies?

## Accessibility and openness of .nz domains

### The .nz policies are written only in English

19. Do you agree with our assessment of the options? Why / why not? Are there viable options that we have not mentioned?

20. Which option do you prefer? Why?

### Lack of availability of characters other than English and reo Māori alphabets in .nz domain names

21. Do you agree with our assessment of the options? Why / why not? Are there viable options that we have not mentioned?

22. Which option do you prefer? Why?

### No geographical limits on registrants

23. Do you agree with our assessment of the options? Why / why not? Are there viable options that we have not mentioned?

24. Which option do you prefer? Why?

## Security and trust

### Domain and website content abuse

25. Do you agree with our assessment of the options? Why / why not? Are there viable options that we have not mentioned?

26. Which of these options do you prefer? Why?

## The interim emergency circumstances clause

27. Do you agree with our assessment of the options? Why / why not? Are there viable options that we have not mentioned?

28. Which option do you prefer? Why?

## Domain name registration abuse

29. Do you agree with our assessment of the options? Why / why not? Are there viable options that we have not mentioned?

30. Which of these options do you prefer? Why?

## Grace periods and domain tasting

31. Do you agree with our assessment of the options? Why / why not? Are there viable options that we have not mentioned?

32. Which option do you prefer? Why?

## Misleading, deceptive, and offensive domain names

33. Do you agree with our assessment of the options? Why / why not? Are there viable options that we have not mentioned?

34. Which of these options do you prefer? Why?

## Ensuring security best practice across the .nz domain name system

35. Do you agree with our assessment of the options? Why / why not? Are there viable options that we have not mentioned?

36. Which option do you prefer? Why?

## Technology specific approach

37. Do you agree with our assessment of the options? Why / why not? Are there viable options that we have not mentioned?

38. Which option do you prefer? Why?

## Conflicted domain names

**39.** Do you agree with our assessment of the options? Why / why not? Are there viable options that we have not mentioned?

**40.** Which of these options do you prefer? Why?

## Enhancing privacy across the .nz domain name system

### Level of registrant data collected and stored

**41.** Do you agree with our assessment of the options? Why / why not? Are there viable options that we have not mentioned?

**42.** Which option do you prefer? Why?

### Registrant data is made public by default

**43.** Do you agree with our assessment of the options? Why / why not? Are there viable options that we have not mentioned?

**44.** Which option do you prefer? Why?

**45.** Under the IRPO, which contact details do you think should be withheld from WHOIS?

### Implementation of the IRPO and access to registrant information when required

**46.** Do you agree with our assessment of the options? Why / why not? Are there viable options that we have not mentioned?

**47.** Which option do you prefer? Why?

## The .nz domain space and Māori

### Engaging with Māori in the policy-making process

**48.** Should there be a requirement to take reasonable steps to engage with Māori when amending the .nz policies? Why / why not?

### Building strong capability within InternetNZ to engage with Māori

**49.** Should InternetNZ ensure it has adequate capability to facilitate engagement with Māori? Why / why not?

### Engaging with Māori on the issues that the Panel has identified

**50.** Are there any other .nz-related issues affecting Māori that you think should be considered?

## Opportunities to enhance .nz growth and improve market operation

### The current flat wholesale fee structure limits innovation

**51.** Do you agree with our assessment of the options? Why / why not? Are there viable options that we have not mentioned?

**52.** Which option do you prefer? Why?

### Other Registrar incentives could enhance market operation

**53.** Do you agree with our assessment of the options? Why / why not? Are there viable options that we have not mentioned?

**54.** Which option do you prefer? Why?

### Empowering registrants could improve market performance

**55.** Do you agree with our assessment of the options? Why / why not? Are there viable options that we have not mentioned?

**56.** Which option do you prefer? Why?

### Improving the regulation of Resellers could enhance market operation

**57.** Do you agree with our assessment of the options? Why / why not? Are there viable options that we have not mentioned?

**58.** Which option do you prefer? Why?

## The Registry's role in market activity

**59.** Do you agree with our assessment of the options? Why / why not? Are there viable options that we have not mentioned?

**60.** Which option do you prefer? Why?

## Improving Registrar monitoring may enhance market operation

**61.** Do you agree with our assessment of the options? Why / why not? Are there viable options that we have not mentioned?

**62.** Which option do you prefer? Why?

## Greater industry data collection and publication could improve growth opportunities

**63.** Do you agree with our assessment of the options? Why / why not? Are there viable options that we have not mentioned?

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## Second level (2LD) market opportunities

**65.** Do you agree with our assessment of the issue? Why / why not?

**66.** Is there a role for additional second level domain names (moderated or not) within the .nz domain? If so, what domains in which area?