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2013 - Nominet consultation on second level domain names

This is the response of Jisc Collections and Janet Ltd, trading as Janet, to Nominet's consultation on registration of second level domain names [1]. Janet is the registry for the *.ac.uk* subdomain and also operates *.gov.uk* on behalf of the Cabinet Office.

We welcome the simplifications contained in the revised proposal. In particular we welcome the decision to separate the development of enhanced security measures and look forward to working with Nominet to identify ways that these can be provided to all *.uk* domains.

However we remain concerned that the proposal risks damaging confidence in the *.uk* domain in two ways:

- it appears to facilitate the creation of parallel hierarchies that will confuse, and perhaps defraud, users familiar with current second level domains such as *.co.uk*, *.ltd.uk*, *.gov.uk* , *.ac.uk*; and
- the proposed implementation of the 'right of first refusal' appears to contradict its stated objectives and, again, to facilitate confusion and fraud.

Parallel Hierarchies

Nominet's current proposal will permit the creation of the following domains, among others: *.company.uk*, *.limited.uk*, *.organisation.uk*, *.government.uk*, *.edu.uk*, *.university.uk*, *.college.uk*, *.school.uk*, *.hospital.uk* and *.charity.uk*. This is despite the obvious risk of confusion with existing second level hierarchies. The previous proposal contained an absolute prohibition on selling third level domains within any new second level domain so at least well-informed users should have known that, for example, *nominet.organisation.uk* was unlikely to be the same as *nominet.org.uk*. Now, however, that prohibition appears to have been removed so the risk of confusion is even greater.

Furthermore, should a fraudster manage to create a domain such as *HSBCbank.limited.uk*, *hmrc.government.uk* or *GreatOrmondStreet.hospital.uk* it appears that there would be no recourse to Nominet's Dispute Resolution System to have the registration suspended. The DRS will only apply to the second level domain string delegated by Nominet, not to any domains created at the third level below it.

If the remaining restrictions on sale of domains mean, in fact, that these parallel hierarchies cannot be used by their natural registrants, allowing their creation is only likely to benefit fraudsters. This would seriously harm the reputation of the *.uk* domain.

We therefore recommend that names confusingly similar to existing top or second-level

domains and names that are associated with types of public body (as Nominet proposed for the *.wales/.cymru* domains) should not be available for registration at second level. In addition Nominet should consider whether it is appropriate or lawful to allow the registration at second level of other names on the Companies House register of sensitive terms [2].

Right of First Refusal

Nominet's stated justification for the new policy on 'right of first refusal' – to reward those who have shown loyalty to the *.uk* domain – appears fair and straightforward to implement. It should also result in a strong *.uk* domain since the presence of long-established sites at the second level will promote confidence among users.

However we cannot see any reason in that justification to limit the right of first refusal to registrants in only those third level domains that are managed by Nominet. As with parallel hierarchies, a procedure that allows others to register names that have long been associated with public bodies (including hospitals, police forces, universities, colleges and schools) seems likely to cause confusion and benefit only fraudsters.

Nominet appear to have recognised this problem in respect of those *.gov.uk* domains that will not migrate to *www.gov.uk* [3] from April 2014. Those remaining domains [4] appear to have been given priority even over longer-established domains in Nominet-managed second-level hierarchies.

However the same risks of misrepresentation apply to other second-level hierarchies. Indeed they may well be increased if some, but not all, public sector bodies are given priority for second level names. For example the policy set out in Nominet's consultation will result in some bodies on the Government's list of agencies and arms length bodies [5]having absolute priority over a second level domain name while others (which happen to have names in second level hierarchies other than *.gov.uk*) have no rights at all. This is likely to be extremely confusing to users.

We therefore recommend that third level registrants in all *.uk* domains that are not managed by Nominet should at least be included, with equal rights, in the 'right of first refusal' scheme.

Source URL: https://community.jisc.ac.uk/library/consultations/2013-nominet-consultation-second-level-domain-names

Links
[1] http://www.nominet.org.uk/how-participate/policy-development/current-policy-discussions-and-consultations/registration-second
[2] http://www.companieshouse.gov.uk/about/gbhtml/gp1.shtml#appA
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[5] http://digital.cabinetoffice.gov.uk/2012/12/18/agencies-arms-length-bodies/