

Workshop on Member States' experiences with ccTLD

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DOCUMENT FOR ccTLD WORKSHOP

Source: OECD

Title: Comparing Domain Name Administration in OECD Countries

Background

This document summarises a report which aims to provide comparative information on the administration of domain names in the 30 OECD countries as an aid to policy makers considering these issues at the OECD and eventually in fora such as ICANN's Government Advisory Committee. The main report will be considered for declassification by the OECD's Information, Computer and Communications Policy (ICCP) Committee which will be held on March 3 and 4, 2002 and the final version of the paper will be available soon after. The main report was initially considered by the Working Party on Telecommunication and Information Services Policy (TISP) at its December 2002 meeting. The standard disclaimer applies in that, prior to declassification, the views may not necessarily be those of the OECD or its Member countries.

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Summary of the paper

The number of Domain Name Registrations

The number of domain name registrations is dramatically increasing. The major gTLDs grew from 17.4 million in July 2000 to 28.7 million in July 2002. Much bigger increase has been seen in the ccTLDs in OECD member countries. The ccTLDs registrations in the OECD member countries more than doubled from 6.7 million to 15 million.

ccTLD Registries in OECD member countries

In the OECD countries, most registries are non-profit organizations, which are usually formed by ISPs and Internet related organizations. There are some ccTLDs which are run by academic or government organizations (Finland, Mexico, Switzerland and Turkey). Private companies administer the ccTLDs in Japan and the United States.

Some 18 registries out of 30 OECD member countries have direct sales to the public. In this case, registries take roles of registrars. Some 6 registries among 18 accept registrations from registrars. The rest of 12 registries do not sell domain names. They put clear distinction between registries and registrars.

Policy comparison in ccTLD administration

The gTLDs are operated under rules set by ICANN based on the Registry Agreement between ICANN and Registry. On the other hand, the ccTLDs are separately operated under rules of each ccTLD. In order to grasp an image of ccTLD administration, four policy issues are focused.

- Whether there is a local presence or related requirement to qualify for the right to register a domain name.
- Whether there is a limit in the number of domain names for which any single entity can apply.
- Whether there is an explicit policy in regard to trademark issues.
- Whether a WHOIS database is publicly available.

Location requirements

About Location Requirements, the registries of 17 ccTLDs in OECD member countries have location requirements and some 13 countries have no location requirements. Among 17 ccTLDs, some 11 ccTLDs impose nationality requirements and 12 ccTLDs impose local address requirements.

Nationality requirements mean that applicants, when acting in a private capacity, must have the same nationality of the country where they want to register a ccTLD domain name. For applications, which are not made by individuals, such as for organizations or corporations, the requirements generally specify that the entity must be registered under relevant laws of the country. Local address requirements mean that applicants must have legal and existing residency in the country.

Application limits

When the OECD last looked at comparative rules in this area among OECD member countries in 1997, some 18 ccTLDs had number restrictions on registrations. By 2002, some 26 ccTLDs, this number includes ccTLDs which partially allow unlimited registrations, have no application limits.

In Greece, Korea and Netherlands, which partially allow unlimited registrations, private applicants are allowed to have only one domain name, but organizations can have unlimited domain names.

Trademark policy

All ccTLD registries in OECD member countries provide some trademark policies which indicate basic stance of registries toward any conflicts concerning domain name registrations.

The most common rules for domain name registrations are “first come, first served” basis. Therefore, most of registries in OECD member countries explicitly stipulate that registrants must take all responsibilities related to trademarks and other third party rights in domain name registrations. It is the responsibility of applicants to check they do not violate any intellectual property rights or any other rights.

The Australian ccTLD registry “.auDA” provides some guidelines for proper domain names. The registered domain names must (i) match the name of the registrant; or (ii) be an acronym or abbreviation of the name of the registrant; or (iii) be otherwise closely and substantially connected to the registrant.

JPRS, the Japanese registry of “.jp”, introduced a preliminary registration application system in order to prevent possible domain name disputes, when the general-use domain name “.jp” was introduced for the first time in 2001, (in addition to the existing second-level domain names.) During the one month preliminary registration period, copyright holders of trademarks and registered names besides existing domain names holders under second level domain names could apply for new domain names prior to other general applicants.

Information availability by WHOIS

The WHOIS service enables inquirers to find contact information on registered domain names. The information provided by the WHOIS services can define who is responsible for the registered domain names. The clear indication of responsibility can help to resolve any technical problems and this information can be used in relation to a number of areas such as consumer protection in electronic commerce and other Internet transactions, trademark disputes, and other legal issues.

For the gTLDs, ICANN asks its accredited registrars in the Registrar Accreditation Agreement to provide the WHOIS services which enable public access to data on registered names. Because the ccTLDs are not directly subject to rules created by ICANN, information availability policies regarding contact information for the ccTLDs depend on each authority of the ccTLDs. However, in all OECD member countries except Portugal and Slovak Republic, registries provide the WHOIS service. Registries usually provide the WHOIS service on their Web sites as the first step for applicants to determine the status and availability of domain names. In Portugal, the registry does not provide WHOIS service because of privacy issues. In Slovak Republic, the registry provides the list of registered domain names instead.

Although the WHOIS service is available in most OECD member countries, there is the difference in information availability. Information availability was compared based on items to be provided by gTLD WHOIS. The big difference was found in contact information which contains personal information because of privacy issues. Just over 10 million domain names which are about 70% of total domain names in OECD countries have contact details on the WHOIS databases.

Privacy regulations

The administrative and technical contact information that defines responsibilities for any registered domain name may be useful and important for the security and the stability of the Internet. However, there are also privacy issues to be considered and some countries do not allow personal data to be publicly available on the WHOIS based on their legal requirements (e.g. Australia and Mexico). And some OECD countries have introduced different deals between private registrants and business registrants in the disclosure of the WHOIS data (e.g. Denmark and United Kingdom).

Accuracy of WHOIS data

There is a strong concern for the inaccuracy of the WHOIS data from various fields, such as taxation, consumer policy, security, law enforcement. Inaccuracy WHOIS data is caused by fictitious registration by registrants. Fictitious registration is caused by two types of registrants. One is fictitious registrant such as a cyber squatter and an Internet fraud, and the other is a private registrant who does not wish to reveal their personal data because of privacy concerns.

Against those inaccuracy or incomplete registrations, most registries of the OECD member countries can take some actions. They are requesting accurate information from applicants and they can cancel domain name registrations in the worst case. But the problem is how to check and find them. As an example, the Australian registry “.auDA” verifies the registered data periodically.

Conclusion

By way of contrast to the gTLDs, which are commonly used throughout all countries of the world and governed by ICANN, the ccTLDs are resources which are allocated to the each country or region. Therefore, the management and policies of the ccTLDs need to be in line with the legal requirements of those countries or regions. At the same time, accurate and reliable WHOIS services are important for the security and stability of the Internet and a range of public policy concerns to governments in relation to electronic commerce. Accordingly, where possible ccTLDs, and gTLDs, should also meet the best practice principles established by the GAC. The paper has aimed to provide a comparison of the administration of domain names in respect to some of those best practice principles as well as providing a general overview of the different approaches applied across the ccTLDs in the OECD area.
