



# nominet

Government-Registry relations in .uk

4<sup>th</sup> International Conference for ccTLD  
registries and registrars of CIS,  
Central and Eastern Europe

Novi Sad, Serbia

15 September 2011

# Agenda

- 1. When Governments discovered the Internet**
2. The Government is a stakeholder, too
3. What sort of relationship?
4. Q&A

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## A Declaration of the Independence of Cyberspace

John Perry Barlow, Electronic Frontier Foundation (US Telecom Reform Act **1996**)

- Governments of the Industrial World, you weary giants of flesh and steel, I come from Cyberspace, the new home of Mind. On behalf of the future, I ask you of the past to leave us alone. You are not welcome among us. **You have no sovereignty where we gather.**
- **We have no elected government**, nor are we likely to have one ... **You have no moral right to rule us** nor do you possess any methods of enforcement we have true reason to fear.
- ... **Cyberspace does not lie within your borders...**
- **Your legal concepts** of property, expression, identity, movement, and context **do not apply to us...**
- Our identities have no bodies, so, unlike you, we cannot obtain order by physical coercion. We believe that from ethics, enlightened self-interest, and the commonweal, our governance will emerge. **Our identities may be distributed across many of your jurisdictions.**

“May you come to the attention of people in high places”

- World Summit on the information Society (2003, 2005)
- Creation of the Internet Governance Forum 2006
- OECD Ministerial 2008 on the Future of the Internet Economy
- e-G8 May 2011
- New gTLD process in ICANN June 2011

Is this all about Governments versus the rest?

(as John Perry Barlow implied)

- The Internet: is it a victim of its own success?
  - Too big, too important to our economies and society to allow to fail
  - Recognition of the importance of the Internet on our daily lives?
- The Internet: is it a challenge to national sovereignty?
  - The threat to the individual
  - Countries can't control their own destinies
  - Content is an increasingly important issue
- Who takes the blame?

I pity the poor government...

Government responsibility:

- To protect the citizen
- To ensure continuity of important infrastructure
  - Does it have the ability to meet its obligations?

BUT:

- Regulation is economic suicide?
- No action is political suicide?
- Can we regulate it nationally?
- Can we regulate it globally?

Self-regulation is dead – long-live self-regulation!

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Or, in very simple terms:

1. Governments **do** have a legitimate interest
2. People **do** see them as responsible for infrastructure and for protecting the citizen  
(as with the banking crisis)
3. However, the networks and the management of infrastructure is largely private sector led
4. Innovation is rapid

What it expects:

1. See as a national resource: Is it being managed in the public interest?
2. See as a part of important infrastructure: Is it secure, stable and resilient?
3. Help to keep the UK Internet user safe: Minimise criminal activity in .uk

Characteristics that are often regulated

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How to upset the government (Nominet 2008):

(We came to the attention of people in high places...)

1. Unsuccessful attempts at reform
2. Complaints from major stakeholders
3. Government asks for full independent review
4. Review concludes that Nominet has a public purpose
5. Nominet commits to reform: consultations and EGM
6. Digital Economy Act has reserve powers to intervene in the domain name system

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1. "The domain name industry in the UK is self-regulated ... the Government's intention is that **self-regulation by domain name registries should continue.**"
  2. "... no current Government plans to intervene ... it is intended that the powers ... will only be exercised where self-regulation **fails to the detriment of consumers, businesses or the UK's wider Internet economy.**"
  3. "We do not expect a registry to act beyond its powers to correct any failure that it could not reasonably address [eg] failure results from the actions of a third party...."
  4. "... if a deficiency in self regulation resulted in continuing failure, then the Government would expect the registry concerned to take corrective action, or ... **explain why corrective action was neither appropriate nor possible.**"
  5. "Use of the powers in the Bill would be a last resort. In practice, the Government would expect to enter into a dialogue with the registry concerned to explore ways of dealing with the issue that had arisen."

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# What sort of relationship?

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“Use of the powers in the Bill would be a last resort. In practice, the Government would expect to **enter into a dialogue** with the registry concerned **to explore ways of dealing with the issue** that had arisen.”

But a better idea is to:

1. Respond to government's original concerns
2. Ensure continuing dialogue
3. Work together
4. Visibility

## 1. Nominet reform

- Of the Board:
  - Protect from capture by special interest groups
  - Provide for wider stakeholder involvement
  - “Directors shall have particular regard to the impact of the Company’s activities on the general public”
  - Tightened rules on conflict of interests
- Of the policy development process – engaging wide range of stakeholders
- Commitment to develop public benefit

## 2. Ensure continuing dialogue

- Always had a good relationship with UK government (even during the passage of the Digital Economy Act)
- Try to understand government concerns (and work with them on addressing these concerns)
- Discuss issues before they become problems
- More active engagement of government in the policy process
- Explain what we are doing

# What sort of relationship?

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3. Work together

4. Visibility

- Responses to criminal behaviour
- Internet Governance Forum, UK-IGF
- Briefing discussions on ICANN
- Willingness to be proactive, help set the agenda!
- Nominet Internet Awards

# What sort of relationship?

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Hide?



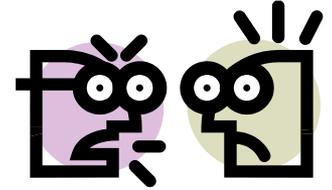
Fire-fight?



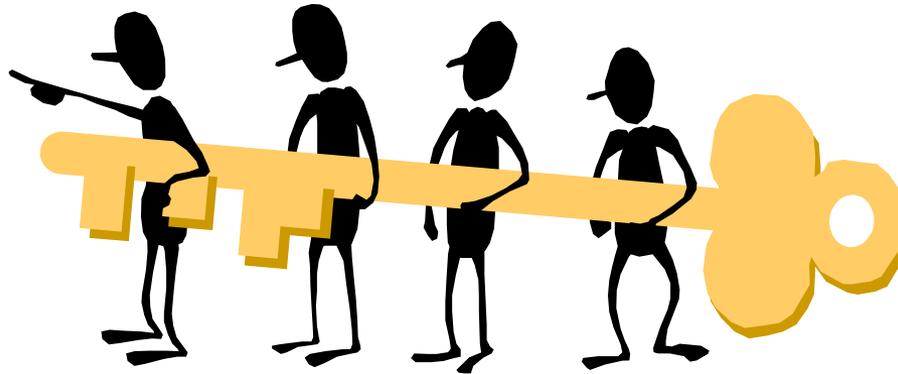
Defend?



Fight



Argue



Cooperate and lead?

Questions  
Discussion

