

ISOC-ZA Response to .ZA Domain Name Authority on the NET.ZA, ORG.ZA and WEB.ZA charters

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1 Introduction

The Internet Society of South Africa (ISOC-ZA) was initially formed in 1998 in response to the telecommunications policy environment. We represent the interests of South African telecommunications users in global, national, provincial and local policy discussions, in the press and in any other relevant forum.

Our members include individuals from all elements of civil society in South Africa and some from across the continent, including those from academia, government, NGOs, other public entities, corporates, small businesses and some unemployed. ISOC-ZA members provide input in their individual capacities.

We are a member of the African region of chapters and a founding member of the Africa RALO constituency of ICANN. We have also had representation on the founding Boards of the Public Internet Registry, AfriNIC and the .za Domain Name Authority.

ISOC-ZA promotes the values of innovation, open market competition and the liberalisation of the telecommunications and Internet sectors as a means of supporting equitable development, job creation and economic growth. We operate as a voluntary membership association through public e-mail lists, and meet from time to time in the real world.

ISOC-ZA welcomes the opportunity to make an submission the .ZA Domain Name Authority (hereinafter "ZADNA"). We have informed over 1400 members and held online discussions specific to your call for responses on these charters.

In general we re-iterate the need for regulations governing the Registry, Registrars and second level domain (SLD) charters in the .za top level domain (TLD). ISOC-ZA believes that the ZADNA has an important role to play in the South African Internet industry. At the same time, ISOC-ZA acknowledges that the ZADNA does not conform with the letter of the law (specifically the ECT Act) and we claim that by submitting this response, we in no way lend greater recognition or acknowledgement of your authority over the .za TLD.

ISOC-ZA would like to refer ZADNA to the public consultation process in 2007 where both open¹ and closed² domains were supported. As an example of this the .co.za domain would be open to the public at large (even for non-south African businesses and persons) while the .ngo.za may be open to non-profit organisations only.

¹ i.e. anyone can register a domain in that specific SLD registry.

² i.e. only people who meet the criteria in that specific registry are able to get the necessary

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2 Comments on the SLD charters for net.za, web.za and org.za

2.1 ISOC-ZA respect what is commonly called grandfathered rights of legacy SLD registrations (i.e. if one has an org.za domain and has not been paying annual subscriptions' then one will continue to have these rights to use this domain and renew it annually without any fee charged). We recommend that all new charters acknowledge and recognise the rights of legacy registrations.

2.2 ISOC-ZA propose that ZADNA enhance the current systems by accepting paragraph 2.1, with some limitation and acknowledge that owners of historic (legacy) registrations must now at least renew (using any agreeable system of acknowledgement to be determined for) these domains annually (this was not previously required).

2.3 ISOC-ZA suggests that moderated domains are rarely successful and ZADNA should consider such moderation in much more detail before proposing a charter for a moderated sld.

2.4 ISOC-ZA acknowledges that un-moderated domains are seen as alternatives for co.za. This choice is not new as there are dozens of other TLDs and SLDs that may be used as alternatives yet this still may cause some confusion and possibly nominally increased costs for defensive registrations.

2.5 ISOC-ZA acknowledges the existence of npo.za and other closed or moderated .za SLDs. As such - and subject to recognition of grandfathered rights and competitive issues discussed above - we accept and welcome the new charters for org.za and web.za.

3 Comments on the SLD charters for net.za

3.1 ISOC-ZA believes that arbitrary moderation criteria pose a problem. In moderated domains, arbitrary criteria always pose problems, particularly when it comes to enforcement. Since the current .net domain has no moderation criteria there are legacy registrations that may or may not comply. If you really want a moderated domain - you need to pick an objective criteria, in this case for example, you'd want something like: "Is a member of an industry representative body in terms of section XI of the Electronic Communications ACT" or "is the holder of a valid ECNS license".

3.2 We acknowledge that net.za should be ideally used for naming Internet infrastructure and specifically networks (rather than web servers / hosts / URLs), although because of the pitfalls of moderated SLDs we suggest it should be un-moderated like web.za and org.za

4 Conclusion

ISOC-ZA favour the adoption of new charters for web.za and org.za and net.za and thank the ZADNA for its consideration of this submission.