



Government of  
The Republic  
of Vanuatu



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## **Report on Public Consultation Submissions and Comments: Final Consultation Paper on the .vu ccTLD Management and Administration Regulation and Rule No.1 Operational Procedures.**

### **Introduction**

A final consultation was deemed to be appropriate because of the time since the first consultation on the .vu Country Code Top Level Domain (ccTLD) Management and Administration Regulation and Rule No.1 Operational Procedures and the extent of the changes that had been made by TRR in the meantime. In addition the TRR has a general obligation and preference for public consultation to ensure that stakeholders have a full opportunity to make their views known on important industry issues like the .vu ccTLD.

### **Overview**

The final consultation on the .vu ccTLD Management and Administration Regulation and the Rule No.1 Operational Procedures commenced on 9th December 2015 and the deadline for submissions was originally set for 31<sup>st</sup> January 2016. In the event the deadline was extended to 02 February 2016 at the request of a licensed operator.

### **Submissions**

Four submissions have been received by TRR. They were from:

- Telecom Vanuatu Ltd ("TVL")
- Digicel (Vanuatu) Limited ("Digicel")
- Garden Code

## **Expert Advice**

During the consultation period TRR was also provided with expert advice on the papers from the .nz Domain Name Commission Limited (DNC). The comments from DNC are also included in this report.

## **General Comments**

### **Digicel**

Digicel was generally supportive of the TRR initiative to have a regulation in place for .vu ccTLD that will allow separation of Registry and Registrar Services. Below are some key points highlighted in its submission;

- It is important that no telecommunications operator can gain an unfair competitive advantage from the control of the .vu ccTLD ;
- Timing of implementation of the regulation;
- Time frame need to be included for the interim Registry service;
- TVL's interim role as Registry for .vu ccTLD should be undertaken as "not of profit basis";
- Suggestion for 12 months for the appointment of a Registry service provider to be appointed;
- A formal tender process for Registry service that is transparent and that the tender be awarded on merit;
- To ensure there is a smooth transition that will not affect the DNS in term of internet traffic failures; and
- Registrar service should be provided locally for the first year before opening up to international registrars.

### **Telecom Vanuatu Ltd (TVL)**

Generally TVL showed some reluctance for TRR to become the .vu ccTLD Manager for direct influence of public officials. Key points from the TVL submission are highlighted below;

- TVL has the necessary know-how to manage .vu ccTLD;
- TRR's approach lacks transparency and independence;
- In the current management, all users are given equal treatment;
- Political control over .vu ccTLD;
- Excessive Regulation and control by TRR;
- Excessive bureaucracies and lengthy processes imposed by TRR;
- The size of the market is small and does not require more than one Registrar;
- Having International Registrars will not provide the same quality of service to the Registrants as a local Registrar;
- TVL has complied to ICANN best practices and has implemented DNSSEC;
- Funding of the future public service ccTLD .vu if it will be on a non-profit basis;
- Details regarding the local Internet Community's role;

- The model proposed in the regulation is not appropriate with the TRR as the manager of the .vu ccTLD since it is a Government agent. Normally ccTLDs are not owned by government owned entities; and
- The best management and administration model is to create an institution with no-relation to the government to manage the .vu ccTLD.

### **Garden Code**

Garden Code supports the initiative taken by TRR to have the management of .vu ccTLD taken over by TRR. Below are some key points stated;

- Garden code supports the structure in the consultation document;
- Garden Code agrees that the role of the Registry and Registrar should be separated;
- That the DNS is secure; and
- That Approved Registrars are active businesses with existing clients.

### **.nz Domain Name Commission Limited (DNCL)**

The .nz Domain Name Commission Ltd (DNCL) has been providing expert advice to TRR for some time with the .vu ccTLD Management and Administration draft documents. During the consultation period, Andrew Molivurae of TRR had a work training attachment with DNCL and the DNCL team provided specific comments on the two documents, the draft Management and Administration of .vu ccTLD Regulation and Rule No.1 Operational Procedures. These comments are reflected in the table below.

### **Specific Comments**

Specific comments in the submissions are set out in the table below. Where appropriate amendments will be made to the draft Regulation.

### Specific comments and TRR responses

Ref	Section	Organization	Comments	TRR Response	Action Required
1	Part I Section 3 Definitions "Conflicted Names"	DNCL	This should only be included in the dispute resolution document	Agree	Changes to be made
2	Part I Section 3 Definitions "Equivalent name"	DNCL	The definition is not relevant at this stage as it is not used in the document	Agree	To be removed.
3	Part I Section 3. Definition "Revocation"	DNCL	The definition is not relevant	Agree	To be removed
4	Part I Section 3. Definition "Reserved Names"	DNCL	The definition should be replaced by Restricted Names and wordings need slight change	Agree	Changes to be made
5	Part I Section 3. Definition "Transfer"	DNCL	The word transfer would best refer to transfer of domains between Registrars. But in this context the correct word here would be delegate.	Agree	Changes to be made
6	Part II Section 6.1	DNCL	.."sixty four" need to be replaced by "sixty three" This is the industry standard	Agree	Changes to be made
7	Part II section 6.1	TVL	It is mentioned that each label of domain (label = Level) can contain 63 octets whereas the total number of octets and label lengths) is limited to 255	Agree	Changes to be made

Ref	Section	Organization	Comments	TRR Response	Action Required
			according to RFC1034.		
8	Part II Section 6.3	DNCL	Apart from moderated second level domain any other second level domain are available for use. Anything after the second level domain is a third level domain	Agree	Changes to be made
9	Part II Section 7	DNCL	Similar changes to 6.3	Agree	Changes to be made
10	Part III Section 8	TVL	TVL maintains that the management of the .vu ccTLD should be done by TVL.	Disagree – TRR is the Manager of .vu ccTLD as stated in the act. TRR will consider fair management approaches for all parties involved	No further action required
11	Part III Section 8 (1) (C)	TVL	Not agreeable. The agreement between TVL and ICANN is privy between the parties. Any re-delegation of .vu ccTLD should be subject to agreement between all the parties.	Disagree – TRR will have the right to do so with consultation with the ICANN to ensure best practices are at all times promoted	No further action required
12	Part III Section 8 (1) (d)	TVL	Regarding Registrar's accreditation, the local Internet Community must also be involved.	Disagree- TRR will provide the accreditation	No further action required
13	Part III	TVL	We believe the local regulator is	Disagree – The	No further action

Ref	Section	Organization	Comments	TRR Response	Action Required
	Section 8 (1)(i)		not appropriate to represent the .vu ccTLD at ICANN or other international forums as these forums are for administrative AND technical meeting related to registry activities. TVL has the necessary expertise to represent .vu ccTLD in international forums.	Regulator is the Manager of .vu ccTLD. TRR can represent the community. At the technical level, Registries can also present at the ICANN on relevant ccTLD matters.	required
14	Part III Section 8 (1) (o)	TVL	DNSSEC is already implemented for the .vu ccTLD. It is not enforced automatically for customers but on request via <a href="mailto:hostmaster@vunic.vu">hostmaster@vunic.vu</a>	Agree	No further action required
15	Part III Section 9(3) and 9(4)	DNCL	Change of period of 28 days to 30 days need to be done. This is to reflection standard period in the document which is 30 days in other parts of the document.	Agree	Change to be made.
16	Part III Section 9(4)		We believe this point is contradictory as it baffles the Republic of Vanuatu's democracy. Public consultations with sufficient time to respond are mandatory to amend existing/new rules. Without consultation, the regulator, acting as a government agent, can impose rules that are against	Disagree- but only when a change is urgent	No further action required

Ref	Section	Organization	Comments	TRR Response	Action Required
			the best interests of the overall community and stakeholders in Vanuatu.		
17	Part III Section 10 (2)(b)	DNCL	Need to be changed from registry to register	Agree	Changes to be made
18	Part III Section 10 (2)(c)	DNCL	"or within" need to be removed. To reflect a second level and third level domain as there no such thing as second level domain with a second level domain.	Agree	Changes to be made.
19	Part VI Section 14	Digicel	This section should include a maximum 12 month period for the Interim Registry Operator	Disagree – This will limit the process in order to allow flexibility.	No further action required.
20	Part VI Section 14	Digicel	The draft Regulation should also specify the terms of TVL's remuneration for its role as interim Registry Operator on a "not for profit" basis and that TVL should neither benefit from nor bear the cost of undertaking the role. TVL must also be required to permit the TRR to undertake any necessary inquiries to ensure that this obligation is met.	Disagree – Interim to keep going while the Registry will need recover ongoing expenses.	No further action is required.
21	Part IV Section 14	TVL	Telecom Vanuatu Limited should be regarded as the sole registry	Disagree – TVL can be an Interim	No further action required.

Ref	Section	Organization	Comments	TRR Response	Action Required
	(1)		as it is the only entity that manages the .vu ccTLD and also holds ICANN delegation of responsibility for the administration of the .vu ccTLD. Carrying out a competitive selection to determine a registry for the .vu ccTLD with have implications. A new registry other than Telecom Vanuatu Limited needs to have the required infrastructure and technical expertise for administration of the .vu ccTLD and if not would need to develop and/or acquire these. We therefore recommend that TVL be sole authorised registry as it has the necessary resources for the administration of .vu ccTLD.	Registry during the transition period and can only be the Registry if it is chosen after the public tender process.  TRR is implementing its function to promote competition in all telecommunications Services	
22	Section 15 (2)	Digicel	Digicel submits that this section of the draft Regulation should be amended to make clear that any appointment of a Registry Operator is to be for a fixed term which may not be longer than 5 years	Agree for a fixed term but the exact of 10 years.	Changes to be made.
23	Part IV Section 14 (5)	DNCL	"ICANN/IANA" to be changed to "industry". This wording reflects the standard that all TLDs follow	Agree	Changes to be made



Ref	Section	Organization	Comments	TRR Response	Action Required
24	Part IV Section 15 (3)	TVL	The regulator, i.e TRR has to negotiate with TVL for any re-delegation.	Disagree- There is no need to negotiate as the Act gives the mandate to TRR however TVL is going to be fully consulted for their role.	No further changes
25	Part IV Section 16 (3)	DNCL	The whole section need to be removed. The Regulator is not required to give a copy of the Registry contract to ICANN as it is an internal contract between TRR and the Registry	Agree	Changes to be made.
26	Section 17 (3) and 17 (4)	Digicel	Digicel disagrees that these sections of the draft Regulation which in effect create special rights for TVL and an unfair restriction on any other person that may wish to become the Registry Operator. Instead, Digicel submits that the Regulation should be amended to specify that any person who undertakes the role of Registry Operator must do so on a structurally separate and arms-length basis with respect to is other operations in Vanuatu.	We will amend to make it clear that as interim registry must keep its Registry function from the Registrar function	Changes to be made

Ref	Section	Organization	Comments	TRR Response	Action Required
27	Part IV Section 19 (1)	TVL	Revoking the authorisation of a registry operator must also involve the local Internet Community vote and not solely the regulator or other bodies.	Disagree- the role of the Regulator is to ensure proper Management the .vu ccTLD.	No further action required
28	Part V Section 20 (6)	DNCL	There should be a new addition to reflects a non-refundable Registrar authorization fee. This is a one off authorization fee that is paid by each Registrar	Agree – The fee has to be approved in advance by the Regulator.	To be included
29	Part V Section 23	DNCL	Like section 19, this whole section should be removed. This section is reflected in the section titled "Sanctions"	Agree	Changes to be made
30	Part VI Section 24	DNCL	This should be a new section to outline the role of the Registrant.	Agree	Changes to be made
31	Part VII Section 25	DNCL	This is another new section that should replace sections 19 and 23. This section should explain the penalties of the Registry, Registrar and Registrant	Agree	Changes to be made
33	Schedule 1	DNCL	This schedule is not required. It is not necessary in this document.	It might not be strictly required as it serves a purpose	Changes to be made
34	Schedule 2	DNCL	.edu.vu and .gov.vu should be removed from this schedule. They are in schedule 3 as moderated second level domains.	Agree	Changes to be made
	Section 1		Digicel suggests that this section should contain a specific	Agree in principle for further	Changes to be made

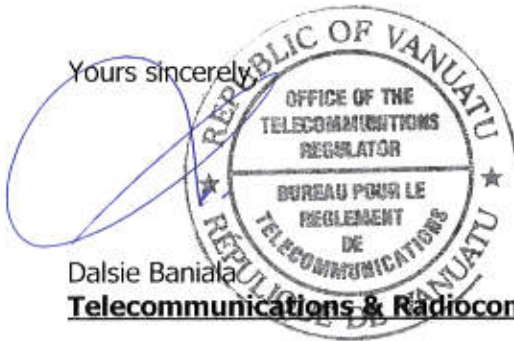
Ref	Section	Organization	Comments	TRR Response	Action Required
			requirement that Registrants provide satisfactory evidence of their entitlement to be able to register any domain name that contains a business name. Such satisfactory evidence could include the Registrant's business licence number. This protection would in the addition to the warranty required under section 1.5 of Rule No.1. Digicel also submits that the Registrants should be required to provide additional authentication information in the event that they wish to use second level domain names other than "com.vu". This is in order to protect the integrity of the second level domain names and avoid the inappropriate use of second level domain names.	improvement of the section	
	Section 1.6		Digicel is concerned about the statement in this section that the "Regulator has no role in deciding who has rights in such disputes". This statement appears to contradict the Dispute and Complaints procedure described in section 12 and if	Disagree – Dispute Resolution Rule will be created.	No further action required

Ref	Section	Organization	Comments	TRR Response	Action Required
			applied could result in disputes that are unresolved with the resulting impact that there is an infringement of parties' legitimate rights. Digicel submits that the Regulator is the appropriate person to make determinations in such disputes.		
	Section 2.1	DNCL	Change from second level to third level. The section refers to third level not second level domains.	Agree	Changes to be made
	Section 3	DNCL	The second is changed from "Reserved Names" to "Restricted Names". This is the current situation at TVL.	Agree	Changes to be made
	Section 4.3	DNCL	Included ".or the Registry". Specification of Transaction can be specified by both the Regulator and the Registry.	Agree	Changes to be made
	Section 14.1	DNCL	Change "Registry Operator" to "Regulator". The Regulator is responsible to provide Registrant Info Service.	Agree	Changes to be made
	Section 15.8	DNCL	Included "The Regulator has full copy right over the zone data". The zone data is owned by the Regulator.	Agree	Changes to be made

**Overall**

TRR appreciates the contributions and the thoughts of the current submissions that will contribute to the finalized documents.

Yours sincerely,



Dalsie Baniata

**Telecommunications & Radiocommunications Regulator**