

Name: RESPONSE TO COMMENTS RECEIVED
FROM PUBLIC CONSULTATION ON
DOMAIN NAME POLICY FRAMEWORK
FOR .OM ccTLD

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RESPONSE TO COMMENTS RECEIVED FROM PUBLIC CONSULTATION ON DOMAIN NAME POLICY FRAMEWORK FOR .OM ccTLD

Table of Contents

1.	Background	4
2.	Comments and Responses	4
2.1.	Comments from: Emad Al-Manthari, ArabianOman.com.....	4
2.2.	Comments from: Omantel	6
2.3.	Comments from: Riyadh Al Balushi, Ministry of Legal Affairs	11

1. Background

The public consultation for the .om domain name registration framework attracted three (3) comments. This aim of this document is to respond to the comments raised.

2. Comments and Responses

2.1. Comments from: Emad Al-Manthari, ArabianOman.com

“Anyone can buy a domain through your website if he/she has commercial registration number. The CR number should use only for one domain in .om, one from .co.om one from .net.om etc... but cannot register to from .om or .co.om. “

TRA's response: omDA will not limit the number of domain names that a company can register. A company may require more than one domain name for various reasons such as marketing, branding and brand protection of the company name, trademarks and products & services of the company.

“The charge for those domain it shouldn't be less that R.O. 50 for each domain.”

TRA's response: The comment is noted. omDA aims to keep the overall registration fee affordable by registrants.

“The user should agree the TRA policy regarding using .om domains and TRA have access to ban any domain doesn’t follow the policy.”

TRA’s response: Yes, the proposed domain registration policies require that the registrant agrees to omDA’s policies as a condition of registration (ref. para. 35). omDA reserves the right to delete any domain name if the registrant is unable to remedy a breach of omDA’s policy (ref. para 34.1).

“All payments should be via ITA E-Payment.”

TRA’s response: omDA will not limit the mode of payment that Registrars may offer to registrants. Registrars are likely to offer multiple modes of payment to cater to the different payment and claims processes adopted by individual companies. However omDA agrees that E-Payment will be a convenient means of payment and shall encourage Registrars to implement it as one of the modes of payment.

“Giving access to the user to pointing his/her domain by himself/herself”

TRA’s response: omDA encourages every Registrar to offer registrants an online web-based administrative portal for registrants to update their domain name in real-time around the clock. However the TRA will not mandate that all Registrars must offer an online administrative portal. The projected size of .om domain names is expected to be small and the registration traffic will be low so some registrars may find that it is not economically justifiable to invest in building and maintaining an online web-based portal. Instead of full automation, some registrars may choose manually process registrants’ request. On the other hand, Registrars who automate the registration process via online web-based administrative portals may find themselves having a competitive edge over registrars who do not provide one. omDA believes that it should leave it individual registrars to decide if they wish to offer online web-based administrative portal for registrants.

“Giving domain .sch.om to all school and charge Ministry of Education for that. That will help the Ministry to connect all schools.”

TRA’s response: omDA would welcome any school to register edu.om domain names through omDA’s registrars. However TRA believes it is not appropriate to mandate that all schools must register .edu.om domain names and charge the Ministry of Education for the registration and renewal fees. The Ministry of Education would be the authority to determine its internal policies with regards to the registration and use of domain names among schools under its charge.

2.2. Comments from: Omantel

“While the company agrees to the principle of accreditation of a number of authorized agents, we believe that the size of the Domain Name market in Oman should be taken into consideration prior to accrediting any further agents. Omantel believes that the number of accredited registrars should be limited to the minimum....”

TRA’s response: Comments are noted. In practice, applicants prior to the officially applying to be accredited as an omDA accredited registrar would have performed the necessary market study to determine the viability of the business venture. The applicant is required to detail its business plans in its application. omDA will evaluate each application carefully with an aim to promote healthy competition within the Industry.

"In the event that no entity has applied to become a registrar (other than Omantel - the current registrar) Omantel believes that the existing procedures for administration of .om ccTLD domain names should continue to apply."

TRA's response: omDA adopts a long term view of the .om domain space and in the best interest for the Sultanate of Oman, is committed to implement the new policies and procedures as proposed in the public consultation document even in the event that there is only a single registrar.

"Omantel agrees with the responsibilities of the registrars spelled out in the consultation document. However, in relation to the bundling of domain names with other services, we believe that registrars should have the flexibility to offer its customers (i.e. registrants) a combination of bundled services/products such as leased lines with a domain name, or with web-hosting, email hosting service with a domain name as this would benefit registrants and promote competition in these bundled services"

TRA's response: omDA allows Registrars to offer bundled services. However Registrars must offer standalone domain name registration service (ref. para. 15) so that registrants can purchase just the domain name service without being forced to buy bundled services that the registrant does not require.

"...We believe that the wholesale price determined by the TRA should have enough margins to enable the Registrar to recover their costs for technical, administration...etc and to make some profit".... "However, while determining the new fees, consideration should also be given to the fact that the market for this service is small"

TRA's response: Comments are noted.

“In the event that no entity has applied to become a registrar other than Omantel, which is the current registration agency for domain names, Omantel believe that requesting Omantel to submit its retail prices for TRA approval is too restrictive and that the existing prices for .om domain names should continue to apply. “

TRA’s response: In the event that no entity applies to become a registrar other than Omantel, omDA would still require the Omantel to submit the retail pricing for omDA’s endorsement. This serves as a consumer safeguard. omDA will in principle not object to the retail price if it is within reasonable limits and not exorbitantly high.

“...Also under the existing procedures, Omantel and TRA were negotiating a revenue-share arrangement under which the TRA gets 20% of the retail price and Omantel keeps 80% for administering the functions and making the Investment. We believe the said agreement should be put into effect immediately.”

TRA’s response:

TRA has decided to go for the implementation of a new system instead of using the current Omantel system. Implementing the said agreement will not be of benefit at this stage.

“...However, considering the limited size of the market segment, the TRA should not consider sub-categorization of the registrar category (i.e. appointed Suppliers, Resellers) as the appointment of resellers by any Registrar may not be desirable from business sustainability point of view.”

TRA’s response: The sustainability of a reseller model would be best left to be decided by individual Registrars. omDA is of the view that inevitably some registrars’ business model will include resellers as their agents for domain

registrations. Thus for the benefit of registrants, it is important to have the code of conduct be extended to cover resellers.

“The consultation document describes most of the categories under the Top Level Domain Name. However, there are additional categories like biz, info, int etc. that may become applicable in Oman if a Registrant desires so. For the completeness of the regulation document, TRA may consider including the other categories of significance.”

TRA’s response: omDA has decided to streamline the available domain name categories after considering the market demand on the domain name categories and the potential confusion that some of the categories may cause. As such, categories not mentioned in the consultation paper (ref. para 26) will not be available for registration. The TRA will also be cautious in opening new domain name categories in order to avoid having categories that have no market demand, are of no National strategic value and/or may cause market confusion.

“The company agrees with the TRA the policy for Reserved Domain Names. However, the right of the omDA to delete the Domain Name should be exercised carefully particularly when such a Domain Name was already in use for a considerable period of time.”

TRA’s response: Comment is noted. omDA will certainly exercise its rights after thorough consideration of all factors.

“In the consultation document, the TRA proposes that after the expiry date, the Domain name will be placed in the "Expiration Period" for 30 calendar days. It will be removed from the DNS zone file and will not be resolvable. The company suggests that the period of 30 days after the expiry date should be treated as "Grace Period" during which the Domain name should be active and renewal allowed. However, the date of renewal should be the date of expiry and not date of payment.”

TRA’s response: omDA will inactivate domain names immediately after expiry date. Registrants must renew the domain name before its expiry date. To ensure that Registrants are given ample time to act on the renewal, omDA requires that the Registrar-of-Record to send out a renewal reminder to the registrant at least 30 days before the expiry date. After a domain has expired, it is still allowed to be renewed within 60 days from its expiry date (30 days of Expiration Period and 30 days of Redemption Grace Period). For domains in the Expiration Period, the new date of expiry after renewal will take reference from the old date of expiry (and not the date of payment). For domains in the Redemption Grace Period, the new date of expiry after renewal will take reference from the date of renewal. This is because a ‘restoration fee’ in addition to the normal renewal fees would be imposed on such renewals; it would be fair to allow the user start the service period from the date of renewal.

“While the company agrees that omDA will limit the amount of information collected to be as little as possible, the information collected by the registrars should be adequate to enable them to locate and contact the Registrant in case of failure of payment or any other condition.”

TRA’s response: The information (ref. para. 56) to be collected by omDA through Registrars would be adequate for Registrars to contact Registrants with regards to domain name matters.

“In the consultation document, the TRA proposes 5 business days to update the WHOIS data for the Domain Name starting from the date of receipt of new information from the requesting Registrants. Omantel is of the view that 5 business days may not be adequate to update and verify the data and thus proposes that the update period if increased to 10 business days.”

TRA’s response: omDA is of the view that 5 business days is ample time for any Registrar to execute domain name requests. Instantaneous updates are common place in the domain name Industry but omDA recognises that some omDA Registrars may not be able to offer instant updates and would therefore be willing to compromise with a service level of 5 business days.

2.3. Comments from: Riyadh Al Balushi, Ministry of Legal Affairs

“The TRA should remove this requirement (prior experience performing domain name registration services for a continuous period of not less than 6 months) or provide an alternative method for establishing capability if the company or its employees have no prior experience. This alternative method could be the requirement to provide a certain professional or academic qualification in a relevant field.”

TRA’s response: The domain name is a very niche industry that requires specialised business knowledge. For example, a registrar needs to know how the Domain Name System (DNS) works and the meaning of technical terms such as name-servers, child hosts, out-of-zone hosts etc. The purpose of omDA imposing a criteria of “6-months prior experience” is to deter companies with no knowledge of the domain industry to apply as omDA Registrars for they are highly unlikely to offer efficient and accurate advises to registrants. Unfortunately there are no professional or academic qualifications that can be used as a gauge of one’s business knowledge in the domain name industry. Applicants who wish to apply as an omDA registrar will need to illustrate its experience. omDA would accept domain name registration experience in any Top Level Domains (TLDs).

“The TRA should introduce an annual fee to ensure that non-performing registrars are tracked and that they do not retain their accreditation status indefinitely without paying for it. “

TRA’s response: To minimise operational cost for Registrars, omDA will not impose an annual fee. Checks and balances are already in place under the proposed registrar framework. If a registrar fails to discharge its duties as a registrar, including being dormant and not accepting registrations from new registrants and/or not performing renewal services for registrants, omDA will consider terminating its registrar status if it cannot remedy the breach.

“Regardless of which one the TRA favours, the .COM.OM and .CO.OM SLDs should be merged into a single SLD. Companies using the abolished SLD should be given a transition period of one or two years to update its records with the new SLD. Companies should be instantly prohibited from publicising or using the abolished SLD in any of their promotional materials.”

TRA’s response: Under the proposed framework as published, .co.om and biz.om will be merged into com.om. To ensure a smooth merging process, omDA would adopt the ‘natural attrition’ approach. omDA would ‘close’ co.com and biz.com categories and stop accepting new domain applications from the public. To safeguard registrants’ interest as well as not upset existing registrants of these categories, omDA needs to continue maintaining existing registrations under these categories. omDA does not wish to impose a mandatory ruling that companies must cease to stop using its domain names under such categories as that may be perceived as a draconian approach. The latter approach is especially harsh for companies that have invested a lot of resources in branding themselves using the domain name in question. omDA believes that over time, registrations in these categories will gradually be deleted. omDA would remove these categories when there are no more domain names under a particular category.

Network operators should not be forced to use .NET.OM domain names. They should have the freedom to use .CO.OM domain names in order to match consumer expectation and market reality.

TRA's response: Network operators are not limited to use only .net.om domain names. Since network operators are also commercial companies, they can register .com.om domain names in addition to .net.om domain names.

Companies using a .OM TLD should be given a transition period of one or two years to update its records with the .CO.OM SLD. Companies should be instantly prohibited from publicising or using the abolished TLD in any of their promotional materials.

TRA's response: omDA is conducting a separate study on the feasibility of relaxing the registration rules for second level .om domain names.

“Regardless of the method adopted, it is essential for the TRA to acknowledge the demand in the market for individually owned domain names and provide .OM SLDs to Omani individuals.”

TRA's response: Comment is noted.

“The whole section on other possible prohibitions of domain name registration should be removed as it has no legal basis and any violation of a trademark should be resolved using the dispute resolution policy as each violation will have to be established using the procedure outline in that policy.”

TRA’s response: The proposed framework is drafted based on the same understanding identified by the commenter and is inline with the trademark. The framework focuses on ‘violation’ of trademarks and it does not prevent a user with legitimate intentions to register a name that is trademarked. In other words any entity can register any domain name so long as it does not violate or infringe on the rights of third parties.

As for question (9), “other possible prohibitions of domain name registration”, it is also omDA’s intention not to implement them for reasons outlined in the consultation document (ref. para. 39.6).

“Section 34.1(c)(i) requires the registrant to warrant that the domain name does not infringe the rights of a third party with respect to a trademark and that by itself is sufficient to cover the protection granted by the law so there is no need for Section 34.1(c)(ii) and it should be removed.”

TRA’s response: omDA accepts this recommendation.