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Digicel (Vanuatu) Limited  
Ellouk Plateau  
Port Vila  
Vanuatu

30 April 2015

Telecommunications & Radiocommunications Regulator  
P O Box 3547  
Port Vila

Dear Mr Box

### **Vanuatu Domain Name Management and Administration Regulation**

Thank you for the opportunity to respond to the TRR's Consultation Paper titled *Vanuatu Domain Name Management and Administration Regulation*, 19 December 2014 ("Consultation Paper").

Digicel is very supportive of the TRR's initiative to separate out the administration and management functions associated with domain name management from the commercial interests of any individual operator. In particular, it is important to ensure that no operator can gain an unfair competitive advantage from the control of allocation of vital industry resources, such as the .vu ccTLD. We see the initiative described in the Consultation Paper and associated draft Regulations as an important step in this process.

The key issues that Digicel wishes to raise with respect to what has been proposed in the Consultation paper are around timing and implementation. Specifically, that there is a need for this matter to be progressed as quickly as possible and also to ensure that TVL, as interim Registry Operator, is bound by the same terms, conditions and processes that are intended to apply to any other Registry Operator that is appointed pursuant to the Regulations.

In addition, Digicel has provided responses to the specific questions raised in the Consultation Paper as follows:

1. *Do you agree with the proposed new ccTLD Structure and Regulatory Framework, and why/why not?*

Based on the combination of documents "A Consultation Paper on Future Arrangements of the .vu country code Top Level Domain (ccTLD) Management", October 2012 and "A Further Consultation Paper on Vanuatu Domain Name Management and Administration Regulation", December 2014 that have been published by the TRR, Digicel supports the separation of the Domain Name Management into a structurally separate entity. Digicel also considers the separation of the Registrar and Registry functions to be a logical approach that is consistent with domain name management worldwide.

Digicel is particularly supportive of the approach that facilitates the emergence of independent Registrars as this will help to ensure that there is no real or perceived bias in the allocation of domain names.



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While Digicel understands and accepts that the retention of TVL as interim Registry Operator is a pragmatic step in the development of an independently managed and operated registry system, Digicel submits that there should be timeframe set for the appointment of a new independent Registry Operator. Digicel suggests that 12 months should be a sufficient timeframe within which an independent Registry Operator may be appointed.

2. *If not what kind of .vu ccTLD Structure and regulatory Framework would you like to see implemented instead*

Not applicable – see comments above.

3. *What are the risks, if any, of TRR's preferred Structure and approach*

The logical risk of this framework is the ability to attract suitable organisations to operate such a registry and associated infrastructure within Vanuatu and conversely the ability to identify an independent party within Vanuatu to establish and manage such an infrastructure. However, this risk may be mitigated by adopting a reasonable timeframe within which a new Registry Operator may be appointed.

The TRR will also need to be vigilant in order to ensure that any handover of responsibilities is undertaken in an orderly manner and does not result in any failures of the domain name management system or processes.

The proposed structure conforms with current structures within other jurisdictions and should not pose any specific risks.

4. *Do you agree that the .vu resource be managed as a public resource? State your reasons for agreeing or disagreeing.*

Digicel agrees that the .vu resource is a public resource and should be managed as such. This is consistent with the approach to the management of telecommunications numbering and independence from the interests of any single operator.

TLDs are not capable of "ownership" by any person or entity and are provided to facilitate the operation of the internet, including by identifying entities on the internet, be they governmental, individual or commercial. Therefore the .vu resource should be seen a public and should not be restricted or controlled by any party for their own commercial purposes.

5. *Do you agree that the "Registrar" service be opened to competition which means there will be more than one Registrar in Vanuatu? State your reasons for agreeing or disagreeing.*



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Digicel agrees with the Registrar service being open to competition. By undertaking this action the monopoly position of Registrar within Vanuatu will be broken, providing some form of competition and price relief to end users.

As noted above, Digicel also considers that TVL's appointment as interim Registry Operator should be strictly time bound and a process agreed by which that function may be transferred to an independent operator.

6. *Should the Registry and Registrar roles be separated? State your reasons for agreeing or disagreeing.*

These two roles should be separated and at the TLD domain level have been encouraged historically, by ICANN to be separated. The logic behind separation of these two functions is to remove the perceived monopoly aspects of the provision of domain names and to facilitate competition in this sector at the retail level due to the low barriers to entry associated with the capability of being a registry provider.

7. *Do you think opening up the Registrar market to competition would assist other ISPs to offer domain name registration services to supplement their usual portfolio of Internet connectivity, email and web hosting services*

The use of the internet and uniquely identifiable domain names and addresses in Vanuatu is still in its early stages of development. However, with improved understanding and the continuing growth in availability and access to the internet, demand for unique and individual domain names and address spaces will grow. Based on this expectation we expect there will be a strong market opportunity to facilitate the supply and procurement of domain names for individual organisations.

8. *Do you have any comments on specific provisions in the draft Regulations at Annex D? Please cite the number of the section concerned when making comments*

Digicel notes that there is a typographical error in clause 16(1) of the draft Regulations. The word "designed" should be "designated".

Digicel notes that there is an apparent conflict between the obligation set out in clause 18(6) of the draft Regulation and the appointment of TVL as interim Registry Operator.

Digicel also suggests that additional clarity needs to be provided to ensure that TVL, as interim Registry Operator, is bound by the same rules that apply to any other Registry Operator that may be appointed pursuant to the Regulation. In particular:

- The provisions of clauses 18, 19 and 20 of the draft Regulations should apply to TVL as interim Registry Operator;



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- TVL must not do anything that would impede the establishment and operation of independent Registrars; and
- TVL must operate the Registry Services on a not for profit basis and permit the TRR to undertake any necessary inquiries to ensure that this obligation is met.

9. *Has the TRR covered all relevant aspects in the draft Regulation? If not, please outline additional provisions that should be included*

As noted above, Digicel suggests that a timeframe of no more than 12 months is specified within which a new, independent Registry Operator is required to be appointed. This timeframe could be specified as part of clause 14 of the draft Regulations.

Digicel trusts that these submissions are helpful and looks forward to the establishment of an independently managed and operated domain name registry system for Vanuatu. We would welcome any further opportunities to assist with the finalisation of this process.

Yours Sincerely,

A handwritten signature in black ink, appearing to be "Simon Fraser", with a long horizontal stroke extending to the right.

Simon Fraser  
Chief Executive Officer  
**Digicel (Vanuatu) Ltd**