Submitted to: the.regulator@potraz.gov.zw

August 9, 2019

Mr. Gift Machengete
Director, Postal and Telecommunications Regulatory Authority of Zimbabwe
POTRAZ
1008 Performance Close
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Harare, Zimbabwe

RE: CONSULTATION PAPER ON DOMAIN NAME SYSTEM (DNS) FRAMEWORK and .ZW ccTLD Management

Dear Mr. Machengete:

The International Trademark Association (INTA) appreciates this opportunity to comment on the “Consultation Paper on DNS Framework and .ZW ccTLD Management” (“the Paper”).

INTA engagements in Africa have grown exponentially in recent years and have produced a variety of new initiatives with regional and national IP authorities and with the global IP community. For various reasons, ranging from the urgency to attract more investments, protect consumers against hazardous goods, increase the value of indigenous goods, boost the economy, integrate national economies in global value chains and ensure national security, our African counterparts at the national (Ministries and agencies) and regional (African Union, African Regional Intellectual Property Organization, African Organization for Standardization, Organisation Africaine de la Propriété Intellectuelle, United Nations Conference on Trade and Development) levels have been receptive to INTA’s efforts to promote and improve enforcement of intellectual property rights in trademarks, designs and other related rights.

INTA’s views on the information, issues and proposals outlined by POTRAZ in the Paper are informed by its mission as an association “dedicated to supporting trademarks in order to protect consumers and to promote fair and effective commerce.”1 Inherent in this mission is a fundamental concern with ensuring the continued vitality and security of the Domain Name system (“DNS”), including Country Code Top Level Domain Names (“ccTLDs”). These matters not only impact trademark owners’ trademarks and rights, but also promote consumer trust and the healthy working of the domain name system and, by extension, the internet. The Paper is therefore of interest and concern to INTA. As such, we are pleased to submit the following comments.

1 http://www.inta.org/About/Pages/Overview.aspx
1.1 Comments on Current DNS Management Structure

There is no need to open additional SLDs. An offering of a reserved SLD for education, another for government related entities, and one for general use is known to work well in most cases and should be sufficient without any additional domains.

On strategy worth considering is dropping the .CO.ZW SLD, in favor of allowing general use registrants to register directly under the .ZW ccTLD. This measure would increase the overall appeal and reach of .ZW, especially taking into account competition from .AFRICA and other TLDs that allow for second level registrations to occur.

1.2 Comments on the need of a robust DNS Policy

We feel the creation of a clear and robust DNS policy is essential for the long-term success of any TLD, along with the national regulatory framework model and governance best practices.

We also note the importance of having a fully provisioned national regulatory body, with the administrative and technical means to enforce the DNS policy in its entirety.

1.3 Comments on the Current Model

We agree that the challenges mentioned are impeding the development of the .ZW ccTLD and its subdomains.

1.4 DNS Case Studies

The Registry-Registrar-Registrant (3R model) is the gold standard. Maintaining the Registry infrastructure and enforcing its policies present completely different challenges to operating a successful corporate registrar, both of which require different skill sets and capabilities. Also, a pool of dedicated registrars would have a much larger reach than a single entity could ever achieve.

Furthermore, the beneficial effects of competition are lost if the registry acts as a monopoly registrar or in an otherwise unfair manner. A set of transparent, enforceable rules is the only way to garner the necessary confidence within the private sector to invest and innovate in this space.

1.5 Comments on IPv4 and IPv6 in .zw DNS

Although IPv6 has yet to see its prime, we feel it would be wise to implement it nonetheless.

IP address blocks are a scarce commodity, just like gold or oil, whose market value fluctuates according to the laws of supply and demand.

As the available IPv4 address pool dries up, the value of IP address blocks will continue to trend upwards. It will be increasingly difficult for Zimbabwe to secure the supply of IPv4 addresses required to support the nation’s growth.

The only real way to mitigate this scarcity issue is to provide the option for public and private sectors to leapfrog IPv4. IPv6 blocks are much less scarce and perform the same function.
Therefore, and although there is not a significant use of IPv6 currently in place, strategically it makes sense for Zimbabwe to safeguard a competitive advantage for the future.

Furthermore, IPv6 adoption is increasing at a fast pace. Refer to the links below for the relevant data. It is especially interesting to see the rising adoption in India, where the implementation of IPv6 is taking off and proving to be a stepping stone in the countries’ development.


https://stats.labs.apnic.net/ipv6

1.6 Comments on DNSSEC

DNSSEC is an essential part of modern DNS security, despite its known flaws. The implications of not implementing it could be grave both in terms of consumer trust and national security.

When well implemented, it prevents DNS spoofing and eliminates other attack vectors that threaten vital internet connected services. Businesses (such as financial institutions, healthcare, universities, etc.) and critical infrastructure should not rely on unsecured DNS to conduct their operations.

1.8 Comments on the proposed models

Zimbabwe would benefit from having a dedicated Registry Operator, for the purposes of managing the DNS and enforcing its policies.

As for which model to choose from, INTA supports using the Outsourced Model. This would be the quickest to set up and would provide solutions to many of the problems associated with building a body from scratch (such as bootstrapping the infrastructure, securing the technical expertise and deploying the required software).

However, this solution is not without challenges. A large amount of legal and technical expertise would need to be employed in drafting the licensing contracts to make sure they support the development of the industry. Also, if this model were to be chosen, special care should be taken by developing policy guardrails that would prevent the private operator from abusing its position and indulging in monopolistic practices.

From a purely theoretical point of view, an independent multi-stakeholder based system could have significant advantages to developing policies based on balanced interests. If well designed, a multi-stakeholder approach could bring higher long term success to the TLD. However, the design must take into account a balanced approach to representation in order to avoid capture from a particular sector. As long the model is built on solid governance, well funded, provisioned with the proper human and technical resources, and imposes few barriers to the entry of new players, there is no reason why it shouldn’t be the optimal choice.

The regulator’s oversight would still be important, in a limited scope. In our view, its role would be to enforce that the bylaws and/or contracts of the chosen system.
1.9 Comments on Paid / Free Domains

INTA supports a paid domain system with prices set at levels that support legitimate uses. Free or extremely cheap domains are notorious for encouraging cyber squatters and other bad actors who use the low cost/no cost domains for deceptive and illegal purposes. By pricing domains under market, there is clear incentive to squat and hoard as many domains as possible which undermines the legitimate purposes of the domain name system. The result is a transfer of revenue to the secondary market (resellers), which weakens the position of the registry and the registrants. Domains should expire after a set period in order to ensure that an expired domain can be reacquired by a different entity and remain useful.

In terms the pricing, INTA suggests studying competing TLD’s (such as .AFRICA, .COM, .BIZ, .COMPANY, etc.), into to find a sweet spot that is appealing to international customers. At the same time, in order to bolster local adoption, there could be a registry program to subsidize SME’s so they could register a limited amount of national domain names for a reasonable price.

2.0 Comments on the Proposed Infrastructure

INTA supports the proposed infrastructure as suitable for purposes. However, INTA proposes an additional safeguard in the form of an Escrow DNS service within POTRAZ’s control. The idea behind it would be to host a versioned copy of every zone under .ZW, that would include both WHOIS information and zone records. This feature would allow POTRAZ to recoup the data on all zones in case the chosen model fails or becomes non-compliant. Additionally, this escrow system could be designed to be non-critical to the DNS operation, meaning that it could go down occasionally without affecting the ability to resolve names or alter the zones.

Additional Thoughts on Policy Considerations

a. Alternative Dispute Resolution Mechanisms

While the consultation paper is devoted to technical issues, INTA takes this opportunity to highlight the importance of establishing registration conditions and adoption of dispute resolution procedures that conform with international standards of intellectual property protection while accounting for the particular circumstances and needs of the individual .zw. INTA notes that .zw is not currently part of the WIPO’s Domain Dispute Resolution Services for ccTLDs and strongly supports .zw adopting the Uniform Dispute Resolution Policy (UDRP) and entering into a service arrangement as it moves forward with rethinking it’s DNS model and supporting policies.

b. Functioning WHOIS Database

INTA supports the development and administration of an accessible and open WHOIS system in order to facilitate business transactions and investigations in to domain fraud and abuse. How such a system is organized and operated should be a top priority as WHOIS is a critical tool in domain name administration. While there is global debate on how WHOIS information should be collected and displayed, there is general agreement that a functioning WHOIS system is necessary to facilitate smooth business transactions and thwart illegal practices such as cybersquatting, counterfeiting, phishing and fraud. Any WHOIS policy should ensure that law enforcement, intellectual property owners, cybersecurity researchers and those with legitimate
business purposes have consistent, convenient and affordable means of accessing WHOIS data.

INTA appreciates the care and thought that POTRAZ is devoting to formulating an effective DNS model and corresponding policies. INTA is pleased to contribute to this discussion.

If you have any further questions or comments regarding this submission, please feel free to contact Lori Schulman, Senior Director, Internet Policy at lschulman@inta.org or +1(202)704-0408.

Sincerely,

Etienne Sanz de Acedo
Chief Executive Officer

About INTA

Founded in 1848, INTA is a global not-for-profit association with more than 7,200 member organizations from over 191 countries. One of INTA’s goals is the promotion and protection of trademarks as a primary means for consumers to make informed choices regarding the products and services they purchase. During the last two decades, INTA has also been the leading voice of trademark owners within the Internet community, serving as a founding member of the Intellectual Property Constituency of the Internet Corporation for Assigned Names and Numbers (ICANN). INTA’s Internet Committee is a group of over 175 trademark owners and professionals from around the world charged with evaluating treaties, laws, regulations and procedures relating to domain name assignment, use of trademarks on the Internet, and unfair competition on the Internet, whose mission is to advance the balanced protection of trademarks on the Internet.