

The Scottish Parliament

The Information Centre

Subject Map

DEVOLVED AREA SERIES 00/03

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INTERNET DOMAIN NAMES

This subject map provides an initial guide to some of the issues on the subject of Internet domain names – the “addresses” of websites. This follows recent controversy relating to the practice of so called “cybersquatting”.

BACKGROUND

Schedule 5, section C4 of the Scotland Act 1998 indicates that “*Intellectual Property*” is a reserved matter. Schedule 5; section C10 covers “*Telecommunications and wireless telegraphy*” including “*Internet services*”, again indicating that this aspect is reserved. Nevertheless there is considerable interest in this subject, and the development of solutions, in the Scottish context.

The name of every organisation or individual connected to the Internet has to be uniquely defined so that others wishing to make contact can do so without the risk of their communications being misdirected. Most Internet use was originally confined to academic and defence institutions, particularly in the United States, but as the Internet developed internationally in the 1980s, it was decided that each country should have its own two character reference for Internet names. This is known as a [country-code Top Level Domain](#). Country code domains have been

created to be used by each individual country as they deemed necessary, such as “uk” for the United Kingdom. At the moment these are restricted to two letters and almost all of these have been “taken”, including sc by the Seychelles.

There are two types of top-level domains, country code and generic. The second type, Generic domains were created for use by the Internet public and include names such as .com, .org, .gov, .ac, and so forth.

Until comparatively recently, the Internet evolved in an unstructured and informal way¹. Few formal controls existed and regulation was largely undertaken on a voluntary basis. However, the development of the World Wide Web and growth in the use of personal computers led to an explosion of interest in the Internet - and of demand for Domain Names. This growth in demand put “*intolerable strain*” on the voluntary registration arrangements operated in the UK and by the end of 1995, with new registrations running at 200 per week, it was, according to the UK based domain registry organisation Nominet², “*clear that a new, more formal structure was required*”.

THE CURRENT SYSTEM FOR ALLOCATING DOMAIN NAMES

Allocation of domain names at a global level is currently overseen by an organisation called **ICANN** (<http://www.icann.org/>) – the Internet Corporation for Assigned Numbers and Names. ICANN itself came out of an organisation called IANA (<http://www.iana.org/>) the Internet Assigned Numbers Authority. The role of ICANN is described as follows

The Internet Corporation for Assigned Names and Numbers (ICANN) is the non-profit corporation that was formed to assume responsibility for the IP address space allocation, protocol parameter assignment, domain name system management, and root server system management functions performed under U.S. Government contract by [IANA](#) and other entities.

ICANN is responsible for considering the creation of new top level domains such as “.firm”, “.shop”, “.web”, “.arts”, “.rec”, “.info”, and “.nom”. There is currently some pressure for some 6 to 10 new domain names to be added. One of the resolutions of the Meeting of the ICANN Board in Cairo (10 March 2000) was as follows. The Board;

“Resolved that the Names Council is requested to submit recommendations on the topic of the introduction of new generic top-level domains, taking into account protection of globally famous trademarks, no later than April 20, 2000”

In the USA, there has recently been legislation introduced – the “[Anti Cyber Squatting Consumer protection Act 1999](#)”, as well as the [Trademark Cyberpiracy Prevention Act](#).

¹ See article from the Harvard Law Review “[Developments in the Law: The Law of Cyberspace - The Domain Name System: A Case Study of the Significance of Norms to Internet Governance](#)” which describes the development of the Internet and the development of domain names

² Nominet website www.nic.uk

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ICANN also introduced an [anti- cyber squatting policy](#) in August 1999.

THE UK SYSTEM

[Nominet UK](#) is the national registry for all Internet Domain Names ending in *.uk*. Nominet essentially oversees a policy of first come first served in terms of allocating domain names³. Nominet describes its role in the following terms;

“Each country needs a central registry to store the unique names used on the Internet and their associated numeric addresses. Nominet UK is a not-for-profit company limited by guarantee. Thus it has no shareholders, pays no dividends and its charges only cover its running costs. Anyone or any organisation with an interest in the Internet may become a member. The several hundred members are mainly, but not exclusively, drawn from the Internet industry.

Nominet UK was formed to take over UK registrations from 1 August 1996.

Nominet UK derives its authority from the Internet industry in the UK and is recognised as the UK registry by the Internet Assigned Numbers Authority (IANA) in the USA.

The membership of Nominet UK also constitutes what is known as the Steering Committee. This in turn elects non-executive directors to the Council of Management, which is the legal equivalent of a board of directors in a shareholding company. Day--to-day technical, administrative and support operations are managed by a small executive staff.

What Does Nominet UK Do?

Nominet UK operates a computerised Register for the most popular Second Level Domains (SLDs) within the .uk Top Level Domain. These include:

co.uk	<i>for commercial enterprises (the largest SLD within the .uk Top Level Domain)</i>
org.uk	<i>for non-commercial organisations</i>
net.uk	<i>for the host machines of ISPs</i>
ltd.uk	
and	<i>for use by registered companies only</i>
plc.uk	

The management of the other SLDs [second level domains] is delegated to other organisations. The size of the Nominet UK register exceeded 100,000 Domain Names for the first time in early 1998. In addition to registering Domain Names Nominet UK provides a search facility WHOIS for Internet users. This enables an enquirer to find out whether a Domain Name is free and, if not, the organisation to whom it is registered.

Registering a Domain Name

Applicants normally register a Domain Name via one of the several hundred name registration agents - Internet Service Providers (ISPs), Internet Access Providers (IAPs) and Internet Consultancies - who make up Nominet's membership.

³ There are a couple of exceptions in that if the domain name contains “plc” or “ltd” then the applicant must comply with legal requirements of Companies House / Inland Revenue. Additionally there are restrictions on the use of obscene words

Membership

Any organisation or individual may become a member of Nominet UK. Although the current membership mainly comprises ISPs, it also includes law firms, company formation agents, the police, specialist consultants and other organisations who have an interest in the development of the Internet in the UK."

A recent High Court ruling in England related to a "cybersquatter"

who attempted to "blackmail" famous figures and companies by threatening to register internet pornography sites under similar names [and] has been ordered to pay thousands of pounds after a landmark court case⁴

DEVELOPMENTS WITHIN SCOTLAND

Within Scotland the Internet Society for Scotland, (www.scotland.isoc.org), in conjunction with Scottish Enterprise, has been working towards establishing a **domain name registry for Scotland to be known as ScotNom**. This would essentially be the Scottish equivalent to the UK based Nominet.

ISOC describes the development of ScotNom in the following terms;

"ScotNom, the Scottish Internet domain name registry company, has been registered in Scotland as Company Number 200000- an exciting proposition for this company to be launched in the Year 2000! Register House, Cap Gemini, NSL Net, Daily Record, Maclay Murray and Spens and BT Scotland have joined Scottish Enterprise and The Internet Society Scotland in this project the Scottish Internet domain name registry company. Frank Binnie, CEO of ISOC Scotland is currently in negotiation with the relevant International Organisations regarding a domain name for Scotland."

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⁴ Sunday Telegraph, 26th March 2000.