



Wales Safer Communities Network response to: Powers in Relation to UK-Related Domain Name Registries: Consultation Response

Closed 31 August 2023

Response submitted via the online survey.

Questions on the list of misuse of domain names

- 1. Do you agree we should include all of the types of misuses of domain names set out under the ‘Domain Name Misuse’ heading, in our ‘prescribed practices’? If not, which ones should be omitted and why?**

We agree that all the types of misuse listed under the Domain Name misuse heading should be included, and none omitted.

- 2. Are the descriptions of the types of domain name misuses set out under the ‘Domain Name Misuse’ heading fair and appropriate for the purposes of including them in our ‘prescribed practices’? If not, please explain why not and propose alternative descriptions.**

The descriptions appear fair and appropriate and are written jargon free and appear to be understandable to practitioners.

- 3. Are there any other types of domain name misuse that should be included in the ‘prescribed practices’? If so, please describe them and provide reasons as to why you think they should be included.**

The Wales Safer Communities Network thinks there needs to be a wider category that covers exploitation and safeguarding, and not just child sexual abuse material. It should cover any misuse that enables criminal exploitation or abuse defined under safeguarding or Violence Against Women, Domestic Abuse and Sexual Violence legislation. This should enable the capture of any new types of misuse developed as a result of AI or changes in organised crime and individual criminal misuse for personal gain and exploitation of others.

There also does not appear to be anything about where misinformation or the promotion of information or details that could lead to either hate crime or terrorism/extremism. Whilst this may be covered in specific legislation linked to these types of activity we think for completeness it should also be included within the misuse types.

It may also be appropriate to include something in relation to data protection and protecting personal data whether it belongs to them or is accessed through other means.

Questions on the list of unfair uses of domain names:

4. **Do you agree with the proposal to include ‘cybersquatting’ (including ‘typosquatting’) in the list of unfair uses of domain names in our ‘prescribed practices’? If not, why?**

We agree with the proposal to include cybersquatting (including typosquatting) in the list of unfair uses of domain names.

5. **Is the description of ‘cybersquatting’ fair and appropriate for the purposes of including it in our ‘prescribed practices’? If not, please explain why not and propose an alternative description.**

The description of cybersquatting would appear to be fair and appropriate. Though it may be appropriate to consider including that the cybersquatting may be for non-malicious amusement, malicious, exploitative or criminal purposes.

6. **Are there any other examples of unfair use of domain names that should be included in the ‘prescribed practices’? If so, please describe them and provide reasons as to why you think they should be included.**

Unauthorised copying of design and content to appear affiliated with an organisation or body that may be trusted. This may be for malicious, exploitative or criminal purposes.

Questions on the design of the Dispute Resolution Procedure:

7. **What would you consider to be too burdensome in the context of resolving disputes under our prescribed dispute resolution procedure?**

Whilst we do not have an opinion on what could be too burdensome, we would not want the process to be a drain on resources across public services which are already under pressure.

8. **What does ‘expeditiously’ mean to you in the context of resolving disputes under our prescribed dispute resolution procedure?**

We would argue that the word expeditiously is not a very accessible word and should therefore be adjusted to be more prescriptive for its meaning. Our understanding of expeditiously is for it to be quick and efficient.

9. **What do you consider to be ‘low cost’ in the context of resolving disputes under our prescribed dispute resolution procedure?**

This will depend on the type of dispute that needs to be resolved and therefore we do not feel able to quantify this. It should use the minimum amount of resource required but that allows a clear, fair and transparent procedure to be undertaken.

10. **What would you consider a ‘fair’ and ‘equitable’ dispute resolution procedure design to be?**

We do not hold a view on procedure design at this stage, but we would expect it to be accessible, as jargon free as possible (plain language preferable) and easily available for others to be able to access.

11. Do you have any further comments on best practice or about the overall design of our dispute resolution procedure?

It needs to be clear, transparent and easy to understand. It should be easy to access irrelevant of who needs to raise a possible dispute.

Questions on the assessment of business impact

12. To what extent do you agree or disagree with our assessment under the ‘Summary of Business Impact’ section? Please provide details for your answer.

We neither agree nor disagree with the assessment of business impact.

13. Are there potential positive impacts (including costs or financial implications) that the proposals outlined in this consultation may have on businesses, consumers or the public sector? Please provide any evidence or comments on what you think these positive impacts would be.

It may provide some assurance on the cybersecurity and safety and that there is a clear process for reporting issues that could be detrimental to individuals, organisations or communities.

14. Are there potential negative impacts (including costs or financial implications) that the proposals outlined in this consultation may have on businesses, consumers or the public sector? Please provide any evidence or comments on what you think these negative impacts would be.

The process could be abused and lead to unnecessary investigations or justifications due to malicious reporting that enables harassment or other forms of bullying and abuse.

15. Please provide any other comments or evidence that relates to or is about the analysis under the ‘Summary of Business Impact’ section.

No other comments on the business impact section.

Questions on potential impacts on individuals with protected characteristics:

16. Do you have any comments about the potential positive and/or negative impacts that the options on the broad purposes of the commencement of the DEA 2010 powers outlined in this consultation may have on individuals with a protected characteristic under the Equality Act 2010? If so, please explain what you think these impacts (both positive and/or negative) would be.

Whilst the consultation includes a list of the protected characteristics it does not include socio-economic which is covered under Welsh legislation and therefore we think will apply to the .wales and .cymru domains. There is also a requirement to treat the Welsh language as equal to the English language and therefore the need for procedures to be available bilingually for the two Welsh domains of .wales and .cymru.

If delivered then the changes may have a positive impact in preventing or at least not encouraging hate crime towards individuals, families or communities with protected characteristics. It should also provide some extra protection against exploitation or abuse for vulnerable adults, children and young people.

17. If you believe there may be negative impacts, what do you think could be done to mitigate them?

The dispute process and what it applies to needs to be clear, transparent and easy to understand. It should be easy to access irrelevant of who needs to raise a possible dispute and there should be multiple methods for reporting to enable those who may use alternative forms of communication due to ill health, disability or language barriers to engage with the process.

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