Local Laws –
and their impact on DNS stability

Craig Ng
Partner
Maddocks
craig.ng@maddocks.com.au
DNS stability ... from a legal perspective

- Technology’s answer: redundancy measures
- Lawyer’s answer: enforce redundancy measures by contractual arrangements
Important DNS stability issue ... access to registry data

- On bankruptcy of ccTLD manager or registry operator
- On redelegation – ‘change of manager’
Types of local laws that may affect MOU or contracts …

- Laws dealing with acceptable contractual terms
- Laws dealing with choice of law or jurisdiction
- Bankruptcy or insolvency laws
- Intellectual property rights or copyright laws
- Privacy and data protection laws
DNS stability may be affected by:

- Insolvency or external administration of registry operator or ccTLD manager
- Suspension or termination of services by registry operator or ccTLD manager
- Consequential privacy issues relating to registry data
Hypothetical scenario

- .zz – Zebra Islands
- ccTLD manager appoints zzNIC to maintain registry
- 500,000 names registered as 2LDs
- zzNIC files for creditor protection
- Local laws –
  - immediate moratorium on legal actions
  - termination provisions (by ccTLD manager) in zzNIC registry agreement unenforceable against insolvency administrator
  - privacy laws prevent release of registry data beyond Zebra Islands
.au redundancy/continuity/stability measures

- ccTLD manager (auDA) holds escrow of registry data and registry software (including source and executable code of registry, nameserver and WHOIS software)
- Australian Government holds second set of escrow data – in a tripartite arrangement between auDA, Australian Government and an independent escrow agent
Craig Ng
Partner
Maddocks
craig.ng@maddocks.com.au