

## New Zealand will benefit from Fibre Plan

InternetNZ congratulates the Minister of Communications Stephen Joyce and the Government for solidly following through with their pre-election commitment to a fibre-to-the-home (FTTH) network for New Zealand.

InternetNZ Executive Director Keith Davidson says the Government's proposal announced in late-March is very much aligned to InternetNZ's thinking and the conclusions of the Network Strategies report commissioned by InternetNZ last year.

At the outset, the inclusive regional open access approach being adopted looks very promising, says Davidson. "InternetNZ is in agreement with the high-level principles articulated in the proposal and with the overarching requirements for open access, equivalence and interconnection standards.

"An open access network providing dark fibre and some wholesale services, and excluded from retail influence, will provide for genuine competition across the network. This will encourage multiple Internet and telecommunications companies to develop cost-effective services that will positively contribute to New Zealand's economic and social development."

InternetNZ welcomes the willingness to stimulate take-up of services through the public sector and particularly the health and education sectors.

"Demand-side initiatives are very important to the success of this initiative as they will encourage innovation, increase utilisation of the network, and increase the network benefits.

"Also, recognition of the special place of useful broadband in schools is a key success driver for the future."

InternetNZ notes the Government has thoroughly investigated options and correctly identifies the benefit of point-to-point fibre infrastructure over PON, stating a preference for point-to-point in bids.

"The marginal extra cost of providing point-to-point fibre will ensure significant benefits both in network performance and in the ability to provide unbundled services over fibre. It will be very important in avoiding potential monopoly bottlenecks," says Davidson.

The Government has called for public submissions. InternetNZ acknowledges the devil will be in the detail and will thoroughly analyse the proposal and provide its submission.

More information on the Government's broadband proposal is available at [med.govt.nz/broadband](http://med.govt.nz/broadband).

## Making Contact

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## INZ to refresh structure

In March, the InternetNZ Council started a refresh of the Society's governance and operating structure that saw the Executive Board cease operations.

The new structure will see Council regaining its previous responsibility for the Society's policy work and administrative functions.

An acting Chief Executive tasked with overseeing both the Executive Director's office and the Shared Services Unit, will soon be appointed. An interim Management Committee of the Council, who will work with the acting CE and the staff, will also be put in place.

Decisions are yet to be made about the longer term shape of the Society's operating structure.

No changes are being made to the remit or structure of InternetNZ's two subsidiaries, .nz Registry Services and the Domain Name Commission Limited.

Members with any questions can contact InternetNZ President Peter Macaulay on 021 488 485 or [president@internetnz.net.nz](mailto:president@internetnz.net.nz).

## Section 92a to be amended

InternetNZ has welcomed the decision by Government to amend Section 92A of the Copyright Act through starting a process to create a more workable law.

Executive Director Keith Davidson says the decision to change the law will be a relief to those who have valiantly opposed Section 92A and all that it stood for; the way it necessitated termination of Internet accounts based on mere allegations, imposed compliance costs on businesses and organisations, and failed to protect these businesses and traditional ISPs who were caught in the middle through no fault of their own.

“Terminating accounts was always a disproportionate response to copyright infringement, and to force ISPs and other organisations to be copyright judges and policemen was never an acceptable situation.”

Davidson says the trend globally is away from attempting to legislate for termination of Internet accounts for those alleged to be infringing copyright. “New Zealand has narrowly escaped being the global guinea pig for this approach and precedent-setter for its advocates.”

Davidson says there are very good judicial, practical and ethical reasons for rejection of 92A, articulated in the submissions to the TCF’s Copyright Code of Practice.

Section 92A was opposed by the overwhelming majority of these submissions and by the earlier Commerce Select Committee’s opinion.

Davidson also says New Zealand should not have contemplated trading the public’s unfettered access to the Internet as part of international trade treaties without consulting the wider public.

“Access to the Internet is very important to our economic future, bringing New Zealand ‘closer’ to its trading partners and markets.

“We fully support the Government’s fibre-to-the-home initiative and anticipate that more and more online services will be crucial to businesses and consumers alike.

“We are grateful that the Government has pulled back from allowing the Internet to be compromised on the basis of the narrow commercial interests of global entertainment industries trying to shore up failing business models. Those industries should focus on educating their customers not threatening them.

“Government may like to consider the Notice and Notice approach to such education advocated by InternetNZ, an approach that has been successful in both Canada and Japan.”

“InternetNZ will continue to work with the Government and all interested parties to put in place better Copyright law that takes account of the realities of the digital age and all it has to offer,” says Davidson.

## InternetNZ supports ISOC France in termination fight

In early March, InternetNZ publicly expressed its support for ISOC France against the introduction of draconian laws intended to cut French people off the Internet based on mere allegations of copyright infringement.

In a joint media release Executive Director Keith Davidson said a previous New Zealand Government tried to impose a similar regime to that being proposed for France.

“New Zealand’s Section 92A legislation was delayed following resistance from a number of parties including InternetNZ and a new group called the Creative Freedom Foundation (CFF), which represents artists.

“CFF’s motto is ‘not in our name’ and refers to the artists’ position in respect of assumption of “guilt upon accusation” that the legislation sought to impose. Their “blackout” campaign took off across social networking websites such as Facebook, MySpace and Twitter.

“Davidson says ‘provisions that allow the cutting off the Internet access of users due to unproven allegations of copyright infringement are disproportionate and unfit for purpose.

“This would appear to be an attempt to prop up a business model that has not been able to adapt to the Internet and where they are seeking legislative solution to aid their failing business model.”

“Davidson notes there are substantial technical issues with such laws: identifying infringers can be problematic; it is easy to reconnect elsewhere; and determined infringers will simply use encryption, anonymous identities, pirated wireless links, and other technical methods to escape detection.

“This will become a technological arms race with the bad guys, while leaving Internet and Internet-based voice service users to be cut off from their families, friends and business acquaintances based on allegations.’

“ISOC France President Odile Ambry says last September 14 European Chapters of ISOC opposed the internet cut-off scheme that the proposed French draft law intends to introduce.

‘NZ delayed a similar provision only a few days before it was due to come into force and time was given for broader consultation. We call for the French government to follow suit in order to find solutions fitting the new digital world.’

# ICANN gathers in Mexico

The 34th meeting of ICANN (the Internet Corporation for Assigned Names and Numbers) was held in Mexico City in early March. InternetNZ was represented by President Peter Macaulay, Executive Director Keith Davidson, and Domain Name Commissioner Debbie Monahan.

The meeting saw the continuation of developing processes for new gTLDs. ICANN Chair Peter Dengate Thrush noted that the concerns of trademark holders must be addressed before this process is opened for applications.

Another focus of discussion was on fast-tracking Internationalized Domain Names (IDNs), which will allow for resolution of domain names in local languages and scripts. This was the subject of formal resolutions by both the GAC and ccNSO, as well as by the ICANN Board.

Representatives of over 90 At-Large structures from ICANN's global individual Internet user community also came together at the Mexico meeting. The At-Large summit featured thematic sessions and workshops on issues that concern individual Internet users worldwide.

While at the meeting, Davidson and Macaulay took the opportunity to sign the NZNOG Trust Deed with NZNOG representatives Joe Abley and Andy Linton.

The NZNOG is an independent structure for which InternetNZ provides ongoing Secretariat and sponsorship support, helping to organise its annual conference.

"InternetNZ congratulates the NZNOG on formalising its structure relating to the NOG conference, and remains strongly in support of the NOG's endeavours," says Davidson.

A full summary of the ICANN Mexico meeting, including session transcripts, can be found at: <http://mex.icann.org>.



*L - R: Keith Davidson, Joe Abley, Peter Macaulay and Andy Linton with the newly-signed NZNOG Trust Deed.*

## events

### Web09

17 - 18 April, Auckland  
[web09.org](http://web09.org)

### IPv6 for Business

20 - 21 April, Auckland  
27 - 28 April, Wellington  
[conferenz.co.nz](http://conferenz.co.nz)

### National Infrastructure Summit

27 - 28 April, Wellington  
[conferenz.co.nz](http://conferenz.co.nz)

### TUANZ Telco Day

12 May, Wellington  
[tuanz.org.nz](http://tuanz.org.nz)

### GOVIS 2009

20 - 22 May, Wellington  
[govis.org.nz](http://govis.org.nz)

### PacNOG

14 - 20 June, Tahiti  
[pacnog.org](http://pacnog.org)

### INZ Council Meeting

19 June  
[internetnz.net.nz](http://internetnz.net.nz)

### ICANN

21 - 26 June, Sydney  
[icann.org](http://icann.org)

### Telcon 10

23 - 24 June, Auckland  
[conferenz.co.nz](http://conferenz.co.nz)

### INZ Council Meeting

21 August  
[internetnz.net.nz](http://internetnz.net.nz)

### APNIC28

24 - 28 August, Beijing  
[apnic.net](http://apnic.net)

### INZ Council Meeting

14 October  
[internetnz.net.nz](http://internetnz.net.nz)

### IGF 2009

15 - 18 November, Egypt  
[intgovforum.org](http://intgovforum.org)

## Update on Conficker

The DNC has put in place measures to counter possible misuse of the .nz domain by the Conficker worm.

Conficker C is the latest variant of a malicious Internet software program that has infected potentially millions of computers around the world and, beginning April 1, is expected to try to communicate with command codes placed on websites by the worm's authors.

In an effort to shield their activities from Internet security authorities, Conficker C's authors have programmed their worm to randomly generate domain names from 110 country-code domains around the world, including .nz. We have put in place a plan to counter this potential misuse of the .nz registry.

40,000 .co.nz randomly generated names will be used between the 31 March and 30 June by the Conficker worm. These Conficker .co.nz names will be prevented from being registered using a blacklist. There are 162 names already registered in the SRS that are on the list. These names and 33 duplicates have been removed from the blacklist giving a total of 39,805 names on the blacklist.

All the Conficker names already registered in the SRS have been checked and they appear to be legitimate. All the Conficker .co.nz names minus the names already registered will be added to the blacklist for the period outlined below.

The blacklist will remain in place from 28 March to 1 July. Reviews on this policy and the status of Conficker will be ongoing and any changes will be communicated to Registrars and publicly.

Some people may try to legitimately register the blocked domains during the period they are on the blacklist. There is a process in place between registrars, the registry and the DNC to enable legitimate registrations to be processed.

## Privacy Policy Review

The DNC is reviewing its Privacy Policy, which relates to the collection and use of personal information to effectively operate the DNS.

A period of public consultation is now open, with submissions due 4 May. More information on the review is available on the DNC website at:

[www.dnc.org.nz/story/30336-29-1.html](http://www.dnc.org.nz/story/30336-29-1.html)

## Copyright Code & Accounting Separation

InternetNZ lodged two formal submissions in March - to the TCF on its Draft ISP Copyright Code of Practice, and to the Commerce Commission on the Draft Requirements for Disclosure by Telecom.

Prior to Section 92A of the Copyright Act being suspended, InternetNZ filed its submission to the TCF Copyright Code outlining positions in respect to the scope of the Code, pre-approval of rights holders, processing fees, third party adjudication, and more.

The work done around the Code has encouraged significant thinking and public exposure of the issues and could well pay off as the Government re-examines the legislation.

The Telecom Disclosure submission relates to the accounting separation of Telecom and focuses on price squeeze and bundling issues. It notes that circumstances that may constitute anti-competitive price squeeze and bundling are internationally affecting competition and investment in telecommunications.

This is also a major issue domestically and InternetNZ proposes that the Commission address price squeeze and bundling as soon as possible after the rest of the accounting separation requirements are finalised.

Copies of both submissions can be found on the InternetNZ website - [internetnz.net.nz/issues/submissions/submissions-2009](http://internetnz.net.nz/issues/submissions/submissions-2009).

## INZ website IPv6-enabled

InternetNZ's website and the website of the APTLD (Asia Pacific Top Level Domain Association), which we host, have been IPv6-enabled.

The IPv6 implementation took place in late-March and uses dual-stack, a network stack that supports both IPv4 and IPv6 addressing.

InternetNZ continues to actively participate in a Steering Group helping to develop a roadmap for New Zealand IPv6 deployment.

A Wiki that over time will provide meaningful deployment guidance to industry and capture mailing list discussion threads has now been created, and can be read at [wiki.ipv6.org.nz](http://wiki.ipv6.org.nz).

Interested members are encouraged to join the following mailing lists, set up for discussion of New Zealand-related IPv6 issues:

IPv6 Public Mailing List:

[http://listserver.internetnz.net.nz/mailman/listinfo/ipv6\\_maillist](http://listserver.internetnz.net.nz/mailman/listinfo/ipv6_maillist)

IPv6 Technical Mailing List:

<http://listserver.internetnz.net.nz/mailman/listinfo/ipv6-techsig>