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18th February 2020

Nominet Response to Ofcom's Plan of Work for 2020/2021

Dear Yih-Choung,

Ensuring stakeholders have clear sight and input into Ofcom's strategic objectives – and the workstreams to deliver on these – is vital to Ofcom's function as an effective market and competition regulator. As such we welcome the opportunity to respond to Ofcom's proposed Plan of Work.

Nominet has played a key role in the UK's critical national infrastructure for over 20 years, protecting and connecting over 12m .UK domain names. Our expertise led us to provide the world leading protective DNS programme in partnership with the National Cyber Security Centre, protecting more than 1.4m public sector users every day. This has informed this insights we hope to share on Ofcom's priority workstreams - and look forward to working collaboratively with Ofcom on each of these over the coming year.

We believe Ofcom's Plan of Work broadly represents a sensible framework for delivering on Ofcom's five strategic priorities. However, we believe there are three areas Ofcom can offer greater clarity, or haste, in its work; which we set out below.

1. Ofcom's role in any future regulation of online harms

For over 20 years, Nominet has worked at the heart of the web as it has grown and become embedded in our daily lives. The founding principles of the Internet – freedom and open access to information for all – have made it a powerful force in our society and economy. As the Online Harms White Paper emphasised, it can be a force for good. Ensuring this is the case is central to Nominet's mission.

Nominet has always taken seriously our responsibilities to help protect users online. A key part of our role in running the .UK internet infrastructure is to ensure that .UK is a difficult space for criminals to operate in. We cooperate closely with law enforcement and in 2014 formalised our policy of suspending domains when alerted to use for criminal activity by the police or other law enforcement agencies, such as National Crime Agency, Child Exploitation and Online Protection Centre (CEOP), Police Intellectual Property Crime Unit (PIPCU), Counter Terrorism Internet Referral Unit (CTIRU), or the Medicines and Healthcare Products Regulatory Agency (MHRA).

We therefore support the approach Ofcom proposes – maintaining close engagement with Government, industry, academia and the voluntary sector. The multistakeholder approach has been a cornerstone of internet governance to date and ensuring input from diverse voices will be key to ensuring regulation helps deliver a UK digital economy that is indeed connected, inclusive and secure.

Ofcom's Plan of Work proposes to request an increase to its spending cap – to be specified after the consultation closes. We would urge Ofcom to ensure that this cap is commensurate with its new responsibilities under the Government's proposals, and that this should not divert resource from its important workstreams in other regulated markets – most notably enhancing connectivity for rural communities.

We look forward to continuing to engage with Ofcom on this subject and sharing any insights we can offer in this regard.

2. "Enabling strong, secure networks"

Under 3.15-3.16 Ofcom sets out its ambitions to build "a centre of excellence for security and resilience", and to ensure the UK's communications network are secure and protected against outages and cyber-attacks. Our increasing dependency on digital communications infrastructure has reemphasised this point, and we welcome Ofcom's ambitions in this regard.

Ofcom also sets out its plans to engage with industry on delivery of TBEST testing, to test communications providers resilience to concerted attack by criminals and hostile nation states. This work will be highly beneficial, however we would welcome greater visibility on any charging model that might be applied, and urge that this be proportionate to the scale and sector of the partners Ofcom will be working with.

We also note Ofcom's ambitions to follow up with new initiatives to share best practice and close gaps in security. We look forward to discussing this further at the Ofcom OES forum with industry in March.

While Nominet welcomes Ofcom's ambitions in this regard, we would note that a number of previous assessments, audits and questionnaires from regulatory and compliance bodies that may overlap with this work. We would urge Ofcom to consider how previous work can be drawn upon, and how wording and tools can be used to ensure CNIs are able to have clear and consistent expectations, and to prevent unnecessary or unintended duplication that neither benefits the respondent nor the competent authority. This would also help industry make compare findings over time and ensure that any learnings or improvements are comparable with previous assessments.

3. "Better broadband and mobile"

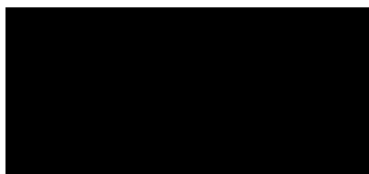
Nominet continues to support Ofcom's spectrum sharing ambitions set out in its July 2019 Statement 'Enabling wireless innovation through local licensing'. This included Ofcom's clear commitment to "move towards and automated Dynamic Spectrum Access (DSA) approach".

We have noted previously that an automated framework of this kind will be essential to ensuring the changes Ofcom has already made on sharing of unused licensed mobile spectrum can achieve genuine scale and viability in future. We welcome that Ofcom has reemphasised this goal for coming year and if delivered, believe this will help extend the reach of mobile coverage even beyond the benefits of the proposed Shared Rural Network.

I hope our response will help inform Ofcom's workstreams for the year ahead. 2020/2021 will be a critical year for the UK digital economy and we intend to support Ofcom's welcome progress in each of these areas over the coming year.

If you have any questions, or if Nominet can be of any assistance in Ofcom's thinking about these challenges, please do not hesitate to get in touch.

Yours sincerely,



Justin Kempley
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