



# LEGAL CONSIDERATIONS: DOMAIN NAME AUCTION USING THE TWITTER PLATFORM

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# INTRODUCTION

- The Nigeria internet Registration Association (NiRA) is a Not-for-Profit, Non-Governmental Self-Regulating body that manages the .ng national resource, the country code Top Level Domain(ccTLD), name space in the public interest of Nigeria and global internet communities.
- The management of the .ng ccTLD is a delegation responsibility from the National Information Technology Development Agency (NITDA), an organ of the Federal Government of Nigeria.
- NiRA was established on March 28, 2006 when stakeholders adopted its constitution.
- Affairs of NiRA are conducted by the Executive Board of Directors in accordance with NiRA constitution and resolutions of members.
- NiRA Secretariat handles day to day operations of NiRA
- NiRA operates the 3R model (Registry, Registrar ,Registrant):
  - The Registry - NiRA.
  - The Registrar – NiRA Accredited Registrars (both local and foreign).
  - The Registrants – The end users (both local and foreign).
- There are about **139,200** active .ng domain names as at May, 2019.

# NiRA SLDs



# NiRA SLDs

## THE SLDs:

.com.ng

• Commercial entities and purposes (Open)

.edu.ng

• Universities and Higher Education and research institutions (Closed)

.i.ng

• General purposes (Open)

.name.ng

• Personal names (Open)

.net.ng

• Internet Service /Telecoms Providers' infrastructure (Closed)

.org.ng

• Not-for-profit entities (Open)

.sch.ng

• Other Academic institutions (Closed and at regional level)

.gov.ng

• National, regional, and local government bodies and agencies (Closed)

.mil.ng

• Military and related purposes (Closed)

.mobi.ng

• For mobile devices. (Open)

\*New SLD's were created in February 2018 (**.law.ng**, **.lotto.ng** and **.bet.ng**)

# DOMAIN NAMES REGISTRATION

- Policies guide domain name registrations
- Domain registration can be undertaken under any SLD classification
  - For the open SLD, no additional information is required
  - For closed SLD, some documentation is required
  - For premium domains (there is an approved finite list), approval is required from NiRA Board.
- Cost of domain registration
  - There is a price charter in use
  - Depends on the domain level
  - And if it is a premium, (names on the premium list or trademark /tradename two characters names)
- Constraints/Challenges faced by registrants
  - Infinite list of Geographical names
  - Infinite list of Restricted names
  - NiRA has not opened up for one or two characters registrations
  - Policies
  - Perceptions
  - DNS literacy level
  - SME businesses are not online and don't see the benefit of being online

# NiRA STRATEGIC DIRECTION

- Within NiRA structures, identified vehicles for delivery, developed programmes , came up with activities/projects
- Identified functions and developed necessary MOUs and policies
- NiRA's Goal is to become the leading registry in Africa by making .NG the preferred domain to Nigerians and others
- To achieve our goal through unity of purpose, NiRA decided on
  - Strategic objectives
  - Strategic projects
  - Staff work
- The end results would be
  - 100% annual increase in domain name registration
  - 30% annual increase in the number of registrars
  - Improved service delivery
- Strategic projects include
  - Open up the two & one character domain names
  - Facilitate registration of premium domain names.
  - Allow registration of geonames except on .gov.ng

# PREMIUM DOMAIN NAMES

- Premium Domain Names are generic words which command premium value.
- They are made available to registrants through a competitive bidding and auction process.
- Also available at a Buy Now Bid Price for a year and renewable at half the registration costs. Approval of the NiRA EBOD is required.
- Registration of the premium domain names were far and in-between
- NiRA realised some of the names were not considered premium and reduced the list by almost half after a review.
- The domain names deleted from the premium list were tracked and their uptake was bismal
- Reviewed the list again and in 2017 decided to auction the names at reduced price.
- The premium names auction guide lines was developed. As NiRA didn't have any auction platform and couldn't take the risk of investing in one, it was agreed we use the Twitter platform.
- The guidelines for the premium auction names was circulated
- The process/criteria to identify the names to be auctioned was set.
- NiRA with its accredited registrars strategically promoted these premium domain names

# GUIDELINES ON PREMIUM DOMAIN NAMES AUCTION PROCESS

- In 2018 and 2019, the Auction of premium domain names was conducted using the **Twitter** Platform, in accordance with the NiRA Policies and Premium Domain Names Auction Guidelines.
- Note that Twitter is described as an American online news and social networking service on which users post and interact with messages known as “tweets” (Wikipedia)
- From a pool of 50 names, 5 most popular names were put forth in 2018 for auction; in 2019 from a pool of 50 names, Ten (10) premium domains were put on offer and bid for.
- To avoid fake bidding,
  - bidders paid a deposit through a NiRA Accredited registrar,
  - Registrars submitted their bid hashtag, list of prospective bidders for each domain and
  - Submitted the Registrant hashtag, Registrant’s sequential number
- Timelines were followed for the premium auction process
- Each bid opened with a reserved price
- By the rules, deleted bids remained valid.
- Bids were transparently monitored by all, via the Twitter timeline.

# BIDDING PROCESS

- Bidding for the names was declared open with a tweet from **@NiRAWORKS** with BIDSOPEN and the selected hashtag. E. g. **#NiRAAUCTION2**.
- All bids were tweeted to **@NiRAWORKS** with the Registrar hashtag, Registrant's sequential number, domain bid amount, the domain name and the hashtag.
- All bids were meant to be progressive in nature.
- The bidding process was declared closed by NIRA with a tweet from **@NiRAWORKS** with **BIDSCLOSED** and the hashtag.
- Successful bids were the highest acceptable bids above the reserved price.
- Offers were made via the NiRA Accredited Registrar to the winner of each domain name to make full payments according to the rules.
- Failure to make payments within the allotted time meant the winner lost his claim to the premium domain name.

# **TWITTER LEGAL CONSIDERATIONS/ PERSPECTIVE**

- The public was informed of the platform so that they could be acquainted with the associated benefits/risks of using Twitter for the auction. Some of these are
- Twitter has its own set of rules and policies; which NiRA expects any one with a Twitter account to abide with
- Twitter is not an auction platform though Twitter platform had been used for others things in the past, including auctions, protests, etc
- NiRA didn't need to seek permission from Twitter to use the platform as the rules to use Twitter are clear ,
- It is reported that 1 in 4 online adults are on Twitter (target audience for auction)
- Everyone is expected to be aware of Twitter privacy, security and harassment policies
- Every tweet/bid is visible to all.
- Because a tweet could be deleted, people were vigilant and timelines were set for tweets and monitored.
- Records of tweets were kept.

## **INDEMNITY AGREEMENTS**

- Execution of separate Indemnity Agreements by participating NiRA Accredited Registrars and Prospective Bidders/Registrants.
- Indemnity Agreements defined Parties' Rights and Liabilities for the Auction Process.
- Release of Liability: Waiver of bidders/registrars' rights to recover damages, losses, costs/expenses in relation to the online auction from NiRA.
- All submitted bids were irrevocable even if submitted in error.
- NiRA Accredited Registrars/bidders were fully liable for all submitted bids.
- NiRA's Right to reject or void bids that do not comply with the NiRA Premium Domain Auction Guidelines/Policies.
- Parties were bound by NiRA's Policies and Procedures.

- The Auction was managed exclusively by the .ng Registry Staff.
- The Registry was available at all times (via email) for further explanations on the Auction Process and Guidelines.
- All deleted bids remained valid.
- To guard against deleted bids, Tweet Binder, a hashtag tracking tool, was used to maintain records of tweeted bids during the process.
- Bid Updates on Twitter did not affect its historical record.
- Twitter platform not managed by NiRA so all infrastructural issues deemed okay. So one can claim to be disenfranchised by NiRA.
- Internet for bidders to connect was not NiRA's headache

## NEXT STEPS

- NiRA proposes to develop its own Auction Platform for subsequent auctions.
- The proposed world class Auction platform will include features such as;
  - Ability of registrants to log into the platform and indicate their preferred registrar and other information.
  - No option to delete submitted bids.
  - Display of the reserved price on the platform.
  - Subsequent bids cannot be less than existing bids or the stipulated amount.
  - Ability to notify the winner immediately upon conclusion of the auction process.
  - For every auction, automatic insert of timelines for the bidding process.
  - Inability to submit bids upon conclusion of the bidding process.



***THANK YOU!!!***