



HONG KONG BAR ASSOCIATION

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The Government Chief Information Officer,
Commerce, Industry and Technology Bureau,
15/F Wanchai Tower,
12 Harbour Road,
Wan Chai,
Hong Kong.

BY HAND AND BY FAX (2802 4549)

15th June 2007

Dear Sir,

Re: Consultation Paper on the Review on Administration
of Internet Domain Names in Hong Kong ("the Paper")

We refer to the Paper. The proposals in the Paper are generally agreeable to the Council of the Hong Kong Bar Association subject to the following:

- (1) The Council is of the view that it would be desirable for at least one member of the legal profession to be named on the proposed Consultancy and Advisory Panel. Domain names are often closely related to trade marks and trade names and goodwill of business. Policy affecting registration of domain names would likely to have legal implications for trade marks and trade names. It is also a matter of public interest and concern when domain names are misleading or used as tools of deception and in other crimes. It is foreseeable that the Hong Kong Internet Registration Corporation Limited ("HKIRC") would often have to set and review its policy to cope with or prevent

香港大律師公會

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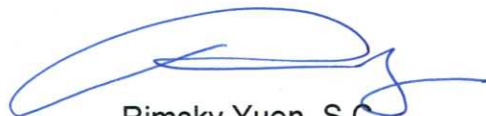
孫靖乾

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unnecessary disputes in the registration or misuse of the registration of the “.hk” country-code top level domain. Members with legal expertise and insight would be an asset to the Panel in setting or changing policies.

- (2) Currently, 6 out of 13 directors on the board of the HKIRC come from the User Class. The Paper proposes that there would be 3 members elected one from each of the Demand Class, Supply Class and Representative Association Class. While the Council does not have any particular objection on reducing membership classes from 6 to 3 as proposed as such, the Council is concerned about the reduced representation of users and the relevant industries.
- (3) It would appear that members of the User Class would come under the Demand Class under the proposed restructure. The representation of such members would therefore be reduced from 6 directors out of 13 under the current structure, to 1 out of 7. There is no explanation in the Paper as to why there should be such a drastic change on the representation of users, and indeed this would seem to the Council to be contradictory to the other proposals of the Consultant to expand membership and to encourage members' level of engagement.
- (4) Equally, the Council also considers that one directorship for the Supply Class is insufficient to represent the interest of all members thereof, given that members of this Class would come from the existing Classes of Service Provider, IT Industry and Commerce and Industry, which are likely to have conflicting interests, but the views of each Class individually would be beneficial to the efficient operation and policy setting of the HKIRC.

Yours faithfully,



Rimsky Yuen, S.C.
Chairman

cc Mr Andrew Liao, S.C.
Mr Raymund Chow