

Further Notice of Inquiry – the Internet Assigned Numbers Authority Functions Contribution from Nominet

Introduction

Nominet is the registry for the .uk country code top-level domain. With over nine million registered domains, we are the second largest country-code top-level domain. Over the years, we have been an active participant in ICANN and have been a member of the ccNSO since 2006.

Nominet submitted comments in response to the National Telecommunications and Information Administration's first Notice of Inquiry dated 25 February 2011, posted at [www.ntia.doc.gov/files/ntia/comments/110207099-1099-01/attachments/NTIA IANA consultation response March 2011.pdf](http://www.ntia.doc.gov/files/ntia/comments/110207099-1099-01/attachments/NTIA%20IANA%20consultation%20response%20March%202011.pdf).

General

Nominet greatly welcomes the open and consultative approach NTIA has adopted to prepare the framework for the continued management of the IANA functions. In particular, we are pleased that many of the suggestions put forward in response to the earlier consultation have been taken into account in the draft Statement of Work.

Nominet has been involved in the development of the responses from the ccNSO and from CENTR, both of which we endorse and support.

In what follows, we focus on the proposed requirements in the draft Statement of Work.

Contractor Requirements

C.2.2: We note that the IANA function is a fundamental service and, as such, any fees should be voluntary. There are political and economic reasons why some countries would have problems in mandatory fees and the contractor should not have the power to withhold the service.

C.2.2.1.1: We strongly support the concept of functional separation of the IANA Functions Contractor and the bottom-up multi-stakeholder development of policy through the ICANN framework. The role of the IANA Functions Contractor is to work within the agreed policy framework. This separation is important at the oversight level, and we are concerned that this point is not specifically identified in the draft Statement of Work.

On the other hand, the draft Statement of Work excludes the involvement of IANA staff in policy development: it should be made clear that this does not prevent their involvement as advisors to the policy discussions.

C.2.2.1.3: We greatly welcome the requirement for the development of performance standards and metrics in collaboration with the relevant stakeholders.

C.2.2.1.3.1: We fully support the requirement for the Contractor to develop user documentation in collaboration with all relevant stakeholders. This, of course, should not redefine the policy

framework, which should be addressed through bottom-up, multi-stakeholder dialogue in ICANN. Over the years there have been regular requests for user documentation and for clarification on performance standards, metrics and processes, the absence of which have meant that the IANA functions for root-zone management have been opaque to most stakeholders.

C.2.2.1.3.2: This section covers three important issues.

- a. We are pleased to see the requirement to document the sources of policies and procedures and how these are applied. We would however note that the ccNSO has initiated a cross-constituency process to clarify the policy framework for delegations and redelegations, and the terms of this paragraph (or other clauses in the draft Statement of Work) should not be taken to pre-empt this work.
- b. We agree that decisions on delegations and redelegations need to respect national sovereignty. This is in line with the commitment given in the US Government's four principles for Internet Governance (30 June 2005) recognising sovereign governments' interests with regard to their ccTLDs, and in its support for the World Summit on the Information Society Tunis Agenda paragraph 63. These commitments should apply equally to the IANA Functions Contractor.

However, the Contractor cannot be expected to make such determinations and should simply require the local parties to demonstrate that due process has been followed under local law.

We note that this clause has been written with ccTLDs in mind: this is appropriate given the US Government's commitments. However, in the future, with the implementation of geographically based new gTLDs, similar requirements might need to be applied to them.

- c. We do not believe that it should be for the Contractor to demonstrate how proposed new gTLD strings have received consensus support from relevant stakeholders. Such an assessment should be for ICANN as part of its evaluation process and against the criteria in the new gTLD Applicants Guidebook. At most, ICANN should provide a summary of its evaluation against the recognised criteria and how objections have been dealt with.

C.2.2.1.3.3: We welcome the commitment to root-zone automation, the implementation of which has been long delayed without any clear explanation as to why. We believe that the Contractor should work with the relevant stakeholders (in addition to NTIA and VeriSign) to deploy an automated management system with appropriately secure communications and interfaces. This should also provide information to customers about the status of requests.

Security Requirements

C.3: We welcome the strong emphasis on security. In our previous submission, we noted the lack of authenticated systems and we are pleased to see this addressed in C.3.1 (and in C.2.2.1.3.3).

Performance Metrics

C.4: Again we support the requirements for performance metrics. We would encourage the publication of all reports (including those of paragraphs C.4.1 and C.4.5) unless there are clear privacy or security reasons to withhold the information.

C.4.2: We believe that relevant stakeholders (in particular the customers for the service) would be able to provide useful input into the development and implementation of a process-flow dashboard for root-zone management.

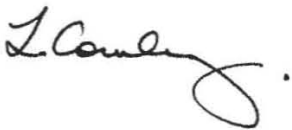
Audit Requirements

C.5: Audit data should make the whole operation of root-zone management considerably more transparent. We would encourage full, regular and timely publication of all reports (and in particular the audit report identified in paragraph C.5.2) unless there are clear privacy or security reasons to withhold the information.

C.5.3: It might be helpful to note that audits should be against recognised international standards.

Performance Exclusions

C6.2: We would hope that the Contracting Officer's Technical Representative would not withhold approval for changes agreed through multi-stakeholder, consensus-based discussions in ICANN: any issues associated with security or overarching policy concerns should have been raised during the policy discussions.



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