

**Comments to the National Telecommunications and Information Administration,
United States Department of Commerce
Further Notice of Inquiry on the Internet Assigned Numbers Authority (IANA)
Functions**

Docket No. 110207099-1319-02

July 29, 2011

Introduction

The Canadian Department of Industry welcomes the opportunity to comment on the Further Notice of Inquiry and commends the decision to consult broadly on the IANA Functions in two parts, allowing for comments on the performance of IANA Functions, and a further opportunity for comments to be submitted on a Draft Statement of Work (SOW). This approach has allowed for greater transparency in the process as well as the provision of expert comment to reinforce and enhance the security and stability of the IANA Functions.

A principles-based approach toward the Internet's Domain Name System (DNS) and the coordination of its unique identifiers is beneficial with security and stability as a paramount guiding principle:

- a stable, secure and resilient Internet;
- a global, interoperable Internet; and
- maintaining an effective, private sector-led, multistakeholder model, with bottom-up policy development processes for the naming and addressing of the public Internet, to allow for continued competition, innovation and development for the social and economic benefit of Canadians.

The continued commitment of the United States to “take no action that would adversely impact the effective and efficient operation of the DNS”, as outlined in the *U.S. Principles on the Internet's Domain Name and Addressing System* of 2005 is recognized.

The U.S. has further affirmed that, “governments have legitimate public policy and sovereignty concerns with respect to the management of their ccTLD”. The inclusion of a reference in the Draft Statement of Work (SOW) Background that performance of the IANA functions requires, “close constructive working relationships with all interested and affected parties” is welcomed.

Given the operational and technical management nature of the Functions, Canada agrees that particular weight should be given to comments from users of IANA Functions services as part of these consultations and would also highlight the specific roles and responsibilities of the Internet technical community.

Draft Statement of Work (SOW)

In addition to security and stability considerations, the Draft SOW outlines various measures for the operational management of the IANA Functions in support of accountability and transparency, such as more open and detailed financial reporting, audit trails, the Root Zone Management Dashboard and a complaints process. While this submissions is not commenting on these proposals in detail, introducing or improving practices in support of this overall goal is a positive step in enhancing IANA Functions service provision.

Regarding the proposal that a clear separation be maintained between the policy development function and the policy implementation work carried out by the IANA Functions Contractor, a clear separation of these roles would enable staff to conduct implementation work on a neutral basis. It would nevertheless be useful for staff to provide information about the operational and technical management of the IANA Functions in support of policy development efforts taking place outside the confines of IANA Functions responsibility, when requested.

The ongoing Framework of Interpretation Working Group (FOIWG) led by the Country Code Names Supporting Organization (ccNSO), with the participation of the Governmental Advisory Committee (GAC) and other stakeholders, is noteworthy and expected to provide additional clarity to IANA staff in implementing processes and compiling documentation for country code TLD requests.

The Department of Industry believes that, in principle, delegation requests for new generic Top Level Domains should include evidence demonstrating community consensus support and being in the global public interest. It remains that some TLDs will not be as explicitly in the global public interest as others (“dot-brand” TLDs, for example) but this should not be a barrier to the introduction of the TLD. Any SOW requirements about community consensus or the global public interest should be implementable given the broad range of possible TLDs and not lead to IANA Functions staff interpreting policy outcomes or decisions. The Governmental Advisory Committee (GAC) can play a key advisory role related to the global public interest, as part of the multistakeholder process that has been put in place at ICANN for the introduction of new gTLDs.

In relation to the corporate governance of an IANA Functions contractor, corporate and legal documents as well as relevant legislation would be the main points of reference. In ICANN’s case, corporate documents such as its Bylaws are publically posted and further information can also be posted to increase transparency. On the topic of conflict of interest, existing rules and procedures can be updated or enhanced by introducing codes of conduct or drawing on best practices. The ICANN community, including Members of the Governmental Advisory Committee, can also recommend improvements within the context of organizational accountability and transparency.

Conclusion

The Department of Industry would again like to thank the National Telecommunications and Information Administration of the United States Department of Commerce for the opportunity to comment. As a long-time supporter of the ICANN model and multistakeholder representation, the Department will continue to advance its Internet DNS objectives at ICANN's Governmental Advisory Committee (GAC) and contribute advice from a public policy perspective.