

Response to the National Telecommunications and Information Administration of the US Department of Commerce on the Internet Assigned Numbers Authority (IANA) Functions



July 2011

Executive Summary

- ETNO believes that management of the Internet Assigned Numbers Authority (IANA) functions should transition from a Government oversight contractual responsibility to that of the Internet Corporation for Assigned Names and Numbers (ICANN), as an independent organisation, such transition taking place with the understanding that ICANN complies with the obligations set out under the Affirmation of Commitments.
- ETNO is deeply concerned that the IANA functions, which are technical by nature, could be used as a means to verify or revisit decisions made on new generic top level domain (gTLD) delegations on the basis of an evaluation of consensus among relevant stakeholders or evaluation of the global public interest. Such delegation decisions should be made according to the process set out in the new gTLD Applicant Guidebook.

General comments

The Association of European Telecommunications Network Operators (ETNO)¹ welcomes the opportunity to respond to the Further Notice of Enquiry on the Internet Assigned Numbers Authority (IANA) Functions issued by the National Telecommunications and Information Administration of the US Department of Commerce (Docket N° 110207099-1319-02),

¹ The European Telecommunications Network Operators' Association (ETNO) is representing 40 major companies, which provide electronic communications networks over fixed, mobile or personal communications systems in 35 countries. ETNO is Europe's leading trade association. More information about ETNO can be found at: www.etno.eu

ETNO would like to reiterate its comments submitted in March 2011 (see ETNO Reflection Document RD348²). These comments outlined ETNO's view that the management of the IANA functions should transition from a Government oversight contractual responsibility to that of ICANN, as an independent organisation.

ETNO strongly believes that transparent, multi-stakeholder governance is central to the Internet's management and ongoing evolution. Many years have passed since the establishment of the bottom-up private sector-led ICANN model, and almost two years have passed since the signing of the Affirmation of Commitments. In the meantime, the Internet has evolved and ideas and situations have matured although much remains to be done in order to continually improve the functioning and readiness of the Domain Name System (DNS) to face new challenges and opportunities.

The historic role of the United States Government in the IANA functions, in a context where the Internet was not a global medium supporting economic growth and innovation worldwide as it is now, can no longer serve as an acceptable argument to maintain or reinforce the control of one Government over the Internet, not even as (the sole) custodian. Whilst the US Government's oversight of the IANA functions has been a suitable model to date, ETNO now finds no compelling reason for the IANA functions to continue to be subject to a US Government procurement contract. ETNO believes that ICANN is the best placed body to oversee these functions, assuming that ICANN continues to comply with the obligations set out in the Affirmation of Commitments.

Specific comments

1. Interdependency of the IANA technical functions (Question 1)

ETNO agrees with the NTIA's conclusion that the core functions of IANA should remain bundled. ETNO believes that these functions continue to be interdependent and therefore they need to be managed by one entity.

² <http://www.etno.be/Default.aspx?tabid=2374>

As regards the proposal to further explore the merit of separating the management of the .INT top level domain from the IANA functions contract, ETNO has no objection to that review being undertaken. However, in such a case ETNO believes that the appropriate consultation process should be conducted by ICANN and that any final conclusion should be reached through the appropriate ICANN process.

2. Entities influencing the performance of the IANA functions (Question 2 and 3)

ETNO agrees with the NTIA that policies and procedures developed by technical Internet communities, such as the Regional Internet Registries and the country code top level domain (ccTLD) operators, have an impact on the performance of the IANA functions. These technical communities are fully represented within ICANN through the appropriate bodies (such as the Country Code Names Supporting Organisation). This representation demonstrates that the IANA function is an integral part of ICANN and that the necessary co-operation and co-ordination of a variety of technical groups is already in place.

ETNO agrees that a functional separation between the processing of the IANA functions and the development of associated policies is necessary. ETNO also agrees with the NTIA that policies, technical standards and procedures related to each of the IANA functions should be developed outside the purview of the IANA functions. A process for documenting the source of the policies and procedures and how the relevant policies and procedures have been applied would, however, improve transparency.

ETNO strongly disagrees with the proposal that delegation requests for new gTLDs should include documentation demonstrating how the strings proposed reflect consensus among relevant stakeholders and are supportive of the global public interest. Such requirements would undermine the role of the ICANN Board of Directors and the ICANN community in the new gTLD process. ETNO strongly believes that the IANA functions should remain technical by nature and that by no means should they become a vehicle to “double-check” delegation decisions made on new gTLDs, as they arise in accordance with the process set out in the Applicant Guidebook. This process has been the subject of robust debate over a number of years and now represents a sound basis for delegation decisions. Therefore, there should be no

door left open for an additional veto/ decision layer applied by means of the IANA functions.

3. Other issues

Other issues addressed in the document, such as transparency and accountability in the performance of the IANA functions, are valid questions that should be covered through the Affirmation of Commitments process, and addressed within ICANN with the involvement of all stakeholders, including Governments represented in the Governmental Advisory Committee.